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FBIS-LAT-92-189 29 September 1992

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Brazil

Brasilia radio reports that the Chamber of Deputies plenary session will begin to discuss the request for impeachment of President Collor. The government and the opposition have registered five speakers each. Collor is also invited to present his defense, "by appointing a representative." A total of 336 votes is necessary to approve the impeachment request. An article in O GLOBO notes that despite Collor's rejection of offering his resignation, his friends and some congressional leaders have begun to coordinate his resignation "to prevent the Senate from dismissing him."

Brasilia radio reports that strict security will be enforced during the vote and that 13,500 policemen will be deployed on the streets of Brasilia. The radio also noted that Army troops have been placed on a state of alert in most capitals until the impeachment vote is concluded.

Venezuela

Madrid EFE reports that former head of the Directorate of Military Intelligence General Herminio Fuenmayor has accused Foreign Minister Fernando Ochoa Antich "of leading the 4 February foiled military coup." Fuenmayor also stated that "President Perez kept Ochoa Antich as defense minister and later as foreign minister because 'at times it is necessary to keep a person close to you to control him better.'" Foreign Minister Ochoa, currently in the United States, "spoke on the telephone with another daily to deny his alleged participation," EFE adds.

Cuba

Aldana Explains Reasons for 'Replacement'

PA2809203792 Hamburg DPA in Spanish 1930 GMT 28 Sep 92

[Text] Mexico City, 28 Sep (DPA)—Carlos Aldana, who was responsible for ideology, international relations, education, and culture of the Communist Party of Cuba [PCC], has said his recent dismissal had to do with a corruption case involving Sony Corporation.

In an interview published by EL SOL DE MEXICO on 28 September—the first interview with Aldana since his dismissal last week—the now former PCC official revealed his dismissal was a result of the fraudulent behavior of a representative of a foreign audiovisual equipment company in Cuba.

Although Aldana refrained from mentioning the name of the person and company during the interview, it is public knowledge that the case involves Cuban Heberto Lopez, who has been serving a jail sentence since June for embezzling Cuban state funds earmarked for a transaction with the Sony Corporation. Apparently Aldana was indirectly affected because he served as the most direct interlocutor for Lopez in commercial operations between Cuba and Sony for the acquisition of audiovisual equipment.

In his interview with EL SOL DE MEXICO Director Mario Vasquez Rana, who is also member of the International Olympic Committee, Aldana admitted his replacement—as he prefers to call the decision to remove him—was prompted by mistakes committed on his job that have no relation to his private or family life. In my work as a leader I have made mistakes; I have been careless, he said. Moreover, [words indistinct] even favoring at all times this process to which I am referring in these commercial transactions, Aldana added.

Insisting that he personally had acted in good faith without engaging in corruption, Aldana also rejected that he had any differences with President Fidel Castro. He described himself as a Fidelista and said he felt satisfied with having devoted his life to the Cuban Revolution.

The former communist leader and member of the party's Politburo termed the decision to separate him from his post as completely fair, consistent, and exemplary, because it shows that there is no impunity in our society. Aldana recognized, however, that this is a very sad and damaging experience for him and he regrets what has happened. He added that failing somehow entails defrauding others, and it also has a political cost. He explained that the political cost consists of speculations reported by foreign media on the alleged political reason for his dismissal. He described those versions as a hybrid of childish attitudes and lack of political and historical culture.

He also called it ridiculous and very wrong that some media have credited him with masterminding the changes that have taken place in Cuba in the last few years. He also dismissed as a myth alien to Cuban reality the fact that he has been identified abroad as the No. 3 man in the Cuban hierarchy after Fidel and Raul Castro.

His dismissal notwithstanding, Aldana concluded that he will face the future optimistically and will continue to be faithful to the Revolution with the goal of applying his knowledge and experience to whatever the party leadership decides that he can do effectively.

Escalona Comments on Torricelli Bill

FL2809180992 Havana Radio Rebelde Network in Spanish 1700 GMT 28 Sep 92

[Text] Juan Escalona Reguera, the president of the Cuban National Assembly of the People's Government, has stated in Caracas that there are many worthy peoples and states that will not comply with the so-called Torricelli Bill if it is approved by U.S. President George Bush to increase the economic, trade, and financial embargo against Cuba. This bill, which was ratified recently by the U.S. House of Representatives and a Senate committee, is now subject to other procedures in the two legislative bodies before being sent to the White House for final approval.

Escalona attended the ninth session of the Andean Parliament as a special guest. Parliament President (Paciano Padron) stressed that there is no political or ethical standard that can justify the adoption or intensification of an economic embargo as a coercive measure by one country against another.

Meanwhile, at the International Conference to Defend the Cuban People which took place in Mexico City, it was demanded that Cuba be included in the San Jose Pact, which establishes the delivery of oil by Mexico, Colombia, and Venezuela to several Central American and Caribbean countries at preferential prices.

More on CDR Condemnation of Torricelli Bill

FL2809124792 Havana Radio Progreso Network in Spanish 1100 GMT 28 Sep 92

[Text] On 27 September, the people of Las Tunas, representing the almost 8 million members of the Cuban Committees for the Defense of the Revolution [CDR], expressed the most emphatic rejection of the Torricelli Bill, which aims to intensify the U.S. economic embargo against Cuba. This attitude of condemnation was expressed during the national ceremony marking the 32d anniversary of the creation of the CDR, which was attended in Las Tunas by Alfredo Jordan, a Politburo member and the first secretary of the Communist Party of Cuba for that province, and Division General Sixto Batista Santana, the national CDR coordinator.

Sixto Batista Santana announced that the Fourth CDR Congress will take place in the second half of next year.

This will be a modest, simple, but profound event, and will be one more demonstration of the revolutionary reaffirmation of the Cuban people. In another part of his speech, Sixto Batista Santana said: From Las Tunas, we say to Fidel that the country's 8 million CDR members condemn the Torricelli Bill, but we will continue to build socialism in spite of the limitations.

During the ceremony, Las Tunas was also given the banner that recognizes it as the most outstanding province in the Student Labor Brigades. The emblem for national vanguard in vigilance was given to Medano Quevedo, the 30th anniversary certificate was given to Zone 34 of Reparto La Cuarenta, and the blood donor diploma was given to Angel Cutino Pompa.

JUVENTUD REBELDE Comments on Torricelli Bill

FL2809133692 Havana Radio Rebelde Network in Spanish 0900 GMT 28 Sep 92

[Text] On 27 September the weekly paper JUVENTUD REBELDE published a commentary by journalist Lazaro Barredo Medina about the Torricelli Bill against Cuba. In one of its sections, the commentary notes that the spirit of the Torricelli Bill reminds one of the shameful Platt Amendment. Its aim is to unleash such a scarcity of resources and consumer goods in Cuba that this would cause immense poverty and lead the populace to stage violent conflicts that would bring about the disappearance of the Revolution.

The commentary by Lazaro Barredo published on 27 September in the weekly JUVENTUD REBELDE stresses that the Torricelli Bill grants powers to the U.S. President to apply economic sanctions to those countries that provide aid to or participate in trade with Cuba. To this we must add the ban on trade with Cuba by U.S. subsidiaries in third countries. The commentator notes that this was in the Mack Amendment which Bush had to shelve last year after protests by his allies. It prohibits ships that stop in Cuban ports or carry cargo and/or passengers to or from Cuba from docking in U.S. ports for a period of 180 days. The bill also grants an imperial right to the U.S. President to administer aid to little counterrevolutionary groups in Cuba, even through U.S. Government organizations.

In spite of this, with great cynicism Torricelli has tried to present his bill in a humanistic—in quotes—light, and to facilitate the conditional export of medicine and food as well as to reestablish direct mail and telephone service. Thus, he claims to be meeting the demands of the Cuban community, although in fact he is trying to favor his own interests on the one hand, and, on the other, to manipulate opinion in certain sectors in an attempt to bring them into his political support base.

Commentator Lazaro Barredo notes in his commentary that in a statement on 9 April, the EC presented and argument to the U.S. Government and Congress that these measures in fact involve an extraterritorial extension of U.S. jurisdiction, which is totally unacceptable legally and politically. The EC considered that if the Mack Amendment became law it could have very damaging effects on U.S. trade relations in general, and with the EC in particular. It would be a totally inappropriate measure in the context of current transatlantic cooperation.

The EC also told the United States that the measure concerning shipping violates international law on neutral navigation, which is totally unacceptable in peacetime and hinders shipping between EC member countries and the United States. Similar statements have been made by other governments in the region, such as Canada and Mexico, as they believe that these measures constitute interference in the internal affairs of their respective countries.

The commentary in JUVENTUD REBELDE notes, further on, that we also cannot forget that this is an election year in the United States. When Democrat Bill Clinton began his presidential campaign, he had only to court the Cuban community and the Hispanic vote in general for Bush to interrupt a weekend vacation to issue an executive order prohibiting the entry into U.S. ports of ships that had previously stopped in Cuba. A source told reporter (Tom Kidler) that Bush's order to Bernard Aronson, who is responsible for Cuban policy at the State Department, was emphatic, and that Bush's comment to Aronson was as follows: Bill Clinton is not going to steal the Cuban stage from me.

JUVENTUD REBELDE states: We Cubans are confronted with this current of stubborn hostility. The paper notes: As Fidel said on 5 September, this is the same lack of moderation as was shown by Spanish Captain General Valeriano Weyler, who a century ago tried to smother the Cuban nation in hunger and disease with his famous concentration plan. However, the tide of opportunism in the United States has overlooked one detail: What about the Cuban people? With an embargo, with a Torricelli Bill, the Cuban people not only will meet the challenge but will put all their ability, all their intelligence, to overcoming this hard moment of the greatest political barbarity in the history of humanity and will triumph in their effort to be free and independent at whatever cost necessary.

Foreign Minister Alarcon Addresses UN Assembly

FL2909021692 Havana Radio Rebelde Network in Spanish 2300 GMT 28 Sep 92

[Text] Today, Cuban Foreign Minister Ricardo Alarcon de Quesada denounced the aggression of all kinds by the United States against Cuba and warned that the end of the Cold War increases the danger of intervention against the peoples of the Third World. In his speech before the UN General Assembly, Alarcon recalled that part of his country's territory continues to be occupied illegally by a U.S. military base, a base that serves as a center for frequent aggression.

Alarcon added that, in addition to this, the air and maritime space around Cuba is constantly the scene of military maneuvers by the aggressor power. Further on, Alarcon stated: At the same time, U.S. territory is used openly, brazenly, and with the obvious complicity of the authorities to launch terrorist attacks against Cuba.

The Cuban Foreign Minister also spoke of the systematic campaign of lies against Cuba that the United States conducts with the objective of distorting the image of a country (?it) has been unable to vanquish and which has refused to give up its independence. Alarcon de Quesada said, further: More than 1,500 hours of aggressive radio broadcasts are directed against Cuba per week, and attempts are made—unsuccessfully—to invade its television space.

In another part of his speech, Alarcon said that the earlier balance of power that once contained antagonistic blocs and prevented direct military conflict among them had not prevented war, aggression, and interventions from being practiced against the Third World. Alarcon de Quesada wondered: How can the U.S. Supreme Court decision, which legitimizes the right to kidnap anyone anywhere in the world—described as an abuse of power and arbitrariness unprecedented in history—be tolerated? Alarcon stressed: Nothing permits one to imagine that, under the current circumstances of unipolarity and hegemony, things are going to be any more favorable for our peoples.

Alarcon added: We today find ourselves facing even greater dangers in view of the overconfident rapture of those who possess, simultaneously, the greatest military might, an unsurmountable ignorance of history, and the crassest moral insensitivity. Alarcon said that the Cold War is disappearing but that the arms race is not keeping pace; nor are militarism and a war-mongering mentality being abandoned.

The Cuban foreign minister asked: If the danger of war is fading, why does the United States wish to continue developing its military superiority, as the occupant of the White House has been saying recently? Against whom will the empire now direct its weapons?

Alarcon noted: It is true that the military confrontation between superpowers that once threatened mankind with total annihilation never came about, and that yesterday's bitter antagonism has turned—at a unilatural wave of the wand by disconcerting alchemists—into obliging submissiveness and mimetic congeniality.

The foreign minister stressed, lastly: For that Cold War [as heard] to not have occurred is, of course, wholesome and commendable. But to identify this with a universal peace is an absurdity that can be conceived of only from the profoundly racist perspective of the conquerors.

Further on UN Address

FL2909022292 Havana Radio Rebelde Network in Spanish 2300 GMT 28 Sep 92

[Text] On 28 September, Cuba joined Third World countries demand's for a democratization of the United Nations, particularly the elimination of the Security Council privileges.

Cuban Foreign Minister Ricardo Alarcon de Quesada addressed the 47th UN General Assembly and said that the United Nations cannot be reduced to the role of a mere instrument dominated by powerful countries if the goal sought is the achievement of true, unilateral, and everlasting peace in the world. Alarcon de Quesada advocated the fulfillment of the San Francisco Charter's goals and principles, particularly full respect for the sovereign equality of states, nonintervention, and noninterference in other states' internal affairs, the self-determination of peoples, and the right to achieve development.

In his rejection of every type of hegemony, Alarcon spoke against allowing the UN Security Council to act as a secret society behind the back of the United Nations and give itself attributions which it does not have, nor has anybody given to it.

We must urgently carry out an in-depth analysis—the Cuban foreign minister proposed—of the organization's structure, functions, and mode of operation to turn it into a truly representative organization, eliminate the obsolete and antidemocratic right to a veto, bring into the open its activities, and limit the latter to those strictly defined by the UN Charter.

Expanding on the Security Council's role, the diplomat pointed out that it lacks the authority to interpret the UN Charter or to increase the scope of its attributions or whatever it is ordered to carry out in its secret meetings.

In this respect, Alarcon de Quesada said that it cannot be tolerated that those, who so desecrate the idea of democracy, use the Council as an instrument for a virtual coup d'etat in the United Nations. When he mentioned the concept of limited sovereignty which certain countries are trying to impose at international forums, the Cuban foreign minister said that he was against the furthering of efforts geared to enthrone such an idea. He also stated that he rejects efforts to create mechanisms which would turn the United Nations into a permanent force of interference, meddling, and intervention to benefit the interest of the powerful.

Alarcon de Quesada reiterated the need to democratize this international organization to strengthen and expand its role. For this it is necessary to strengthen rather than diminish the responsibilities of the General Assembly, which in his opinion is the only organization where all have equal opportunities.

He also recalled the platform approved at the Nonaligned Summit early this month in Jakarta, Indonesia,

directed at confronting the current international situation and ensuring the concerted action of the United Nations. The final statement of that meeting, Alarcon added, listed the tools needed to mobilize the Third World in defense of its rights in the face of those who seek to impose a so- called new world order, which would be nothing more than establishing on a planetary level the hegemonic delusions on whose ashes the United Nations was built.

Relations With Croatia, Slovenia Established

PA2909043692 Havana Radio Havana Cuba in Spanish 0100 GMT 29 Sep 92

[Text] The Cuban Foreign Ministry on 28 September announced that diplomatic and consular relations have been established with the Governments of Croatia and Slovenia, former Yugoslav republics. The Foreign Ministry announcement, which was issued in Havana, reported that the relations with those governments will be based on the UN Charter's objectives and principles, especially with regard to the respect for independence, territorial integrity, self-determination, and noninterference in the internal affairs of the states. According to the document, the governments will proceed with the accreditation of ambassadors in the respective capital cities through the corresponding diplomatic channels.

* Tourism, Workers' Vacations Discussed

* Fairness Explained

92CA0219A Havana TRABAJADORES in Spanish 31 Aug 92 p 2

[Article by Renato Recio]

[Text] It is no secret to anyone: demand for restaurants, vacations at the beach, good hotels, and dancing in cabarets now far outstrips the available supply of these services.

In reality, there are not enough goods and services to maintain the standard of living to which we were accustomed. Moreover, the demand, expressed in money that the people have earned and saved, continues to grow.

Anyone can see that if we want to balance supply and demand in the realm of food services and national tourism, we should sacrifice the regulated distribution of food products, break the current equity, and allocate these resources to lower-income families.

A solution based on charging high prices for tourism and recreation would, in general, only benefit that part of society whose money does not truly come from the honest labor that is of use to society.

A dangerous argument has been advanced that the scarcity of tourism and food services available to Cuban citizens is caused by the expansion of international tourism.

In reality, there could not be a less tenable position.

Last year, Cuba had net earnings of $250 million from international tourism.

After deducting investments for developing this "smokeless industry," we can assume that a good part of that hard currency was used to import food, medicines, or supplies needed for other strategic production.

Far from being a problem, international tourism—which is expected to bring more than 1 million visitors to Cuba in 1995—is a solution. It may be no exaggeration to say that much of what we can now offer in tourism and food services to our own people comes from the profitable and promising use of our tourism resources.

However, we should not overlook the fact that under present conditions, when many people could afford to take their vacations away from home and go to the finest restaurants several times a month, when there is a demand for services that can not be made available to everyone, it is essential to distribute what we have selectively and to make greater use of distribution through the workplace, so that the people who work the most can be given recreational opportunities that are not available to everyone.

The union movement plays a leading role in this national program to ensure that recreational opportunities go to those who most deserve them.

This program is growing; more than 2 million workers and their families will have gone to beaches, hotels, cabarets, restaurants, and taken trips and camping vacations by the end of 1992. And this figure only includes the union aspect of the program.

In some provinces, like Santiago de Cuba, Pinar del Rio, Camaguey, and Cienfuegos, we now see positive activism on the part of the unions, which are not just waiting for such offers to be made, but are promoting and discussing this program, and helping to create recreational opportunities.

The creation of these programs may seem to contradict what we said in the beginning. But in reality, it does not.

As they have in many places, the unions can promote the use of local resources, the rediscovery of natural scenic beauty, and even the local production of foods, beverages, and other resources that often accompany recreation.

In the very areas where they live and work, the workers have a potential for recreation that may serve as a stimulus, without the scarcity of their resources denying them the positive effect of relaxation.

Many examples can be found all over Cuba to show that in this area there is no room for passivity and complaints. The spirit of struggle and the desire to reward the best may be expressed in either a luxury hotel or a festive workers' restaurant.

* Luxury Hotels for Workers

92CA0219B Havana TRABAJADORES in Spanish 31 Aug 92 p 2

[Article by Dania Sanchez Parra]

[Text] The magnificent facilities Santiago de Cuba devotes to international tourism—a key attraction in that market—are also available for use by Cuba's outstanding workers.

Beaches, hotels, restaurants, the modern Tropicana Santiago cabaret, and a variety of bars are some of the many attractions that have so far this year brought into the province over 123,000 people, including workers and their families.

In this program, under an agreement between the CTC [Cuban Workers Federation] and the Corporacion Cubanacan, S.A., the 309-room, five-star Hotel Santiago is the major option available for Cuban vanguards and outstanding workers from agricultural brigades and other labor groups.

For three nights and four days, the worker and his or her companion are provided housing and access to all the hotel's facilities. In some cases a percentage of the cost is paid by the union, and in others the workers themselves pay the expenses.

This system of incentives helps to link the available supply with the selection of the worker or labor collective in the emulation program.

Even though the Hotel Santiago's occupancy rate has been growing through foreign tourism, 30 rooms have been reserved for the CTC, and by last July more than 1,000 couples had stayed here, including some from nearby Guantanamo Province.

A stay in this hotel, much appreciated by those who have been its guests, is made even more enjoyable by its efficient and attentive service and the beauty and comfort of the facilities provided for rest and relaxation.

Because the hotel is located right in the heart of town, it is also possible to visit other sites of historic or cultural interest in this heroic city of the Republic of Cuba, including museums, the Teatro Heredia, and the Plaza Antonio Maceo.

Haiti

Bazin 100 Days in Power; Awaiting New Jobs

FL2809211492 Port-au-Prince Radio Metropole in French 1600 GMT 28 Sep 92

[Italicized passages in Creole]

[Text] Today, Marc Bazin has been in power for 100 days. Several hundred jobs were promised when he became head of state on 18 June. What about those jobs? Social Affairs Minister Andre Brutus answers Edner Jean's questions.

[Begin recording] [Jean] The country is still waiting for the creation of new jobs. Prime Minister Marc Bazin is coming up against numerous difficulties, time and time again, in making good his promise. My government is going to create 100,000 jobs within the next six months, stated Marc Bazin before the senators and deputies during the presentation of his general policy and again on 19 June during his inauguration. One hundred days later, the economic boost is still pending and the lifting of the embargo is not perhaps imminent. The U.S. State Department made that announcement last week.

Facing such constraints, the consensus government has adjusted its zeal and has chosen unemployment allowances. The workers from the assembly industry, directly influenced by this measure, receive 135 gourdes in order to better hope and continue to wait for the reopening of factories. But, until when? Certainly not tomorrow, answered the social affairs minister. Andre Brutus agreed that the economic means now available cannot satisfy the ambitions and the willingness of the government. However, he pointed out several government actions to reduce unemployment.

[Brutus] *We believe it is the government's will. Obviously, between the will and materializing the desire, there are always some difficulties. There is the emergency program as the first step. Here, there has been some activity. I would not say in infrastructure, but in the filling of potholes which employs numerous people. They are temporary jobs. The second step is going to start and finally one of the problems that we have is that we want to look at the rural sections, the provinces because the program is not only for Port-au-Prince. Obviously, the big step was made in Port-au-Prince. You can notice something new in Port-au-Prince in the car traffic. In Bourdon, traffic was congested because of the ground's unevenness. We started work in that sense which will employ numerous people. We cannot pretend during the embargo, and I do not think that is what the prime minister meant, that we could have permanent jobs.*

There is some temporary work including road work, clearing out of gutters that could take place right now. Obviously, there is a plan now being studied in the government in case the embargo is lifted and international cooperation resumes. Certain things could be done [word indistinct] so we can reduce unemployment.

[Jean] Let us recall that the government signed an agreement with several American businessmen from Caribbean-Latin American Actions for the resumption of economic activities in the industrial sector. The prime minister has also met twice with the private sector at the National Palace. However, the doors of several factories remain closed and the creation of new jobs is still anticipated. [end recording]

MDN Urges Peaceful Resistance to OAS Mission

FL2809195292 Port-au-Prince Radio Metropole in French 1800 GMT 28 Sep 92

[Text] The Mobilization for National Development, MDN, issued a call today for a peaceful resistance to foreign occupation. While speaking about the presence of OAS observers in Haiti, Hubert de Ronceray of the MDN asked his partisans and the Haitian population in general to totally isolate the occupiers, not to give them any information, and to refuse them all forms of cooperation as long as the economic embargo and the diplomatic isolation continue to destroy the fundamental rights of the Haitian people. The Haitian people will not acknowledge any moral authority from their attackers to teach them respect for human rights.

Conacom Suggests Idea of New National Conference

FL2809193492 Port-au-Prince Radio Metropole in French 1600 GMT 28 Sep 92

[Italicized passages in Creole]

[Text] The National Congress of Democratic Movement, Conacom, is now three years old. The party, led by Victor Benoit, has chosen this occasion to launch the idea of a national conference for a solution to the crisis. The Conacom hierarchy, when they spoke to the press today, stressed the necessity for such a forum. Conacom described the dark picture of the situation in Haiti, a country facing all kinds of problems on the economic, political, and social plane. Conacom thinks that such a conference could lead to a national coalition government with a specific timetable of activities to fulfill. A multipartite council for observation and proposals could also be created.

Conacom points out that all these points must be approved by the parliament. A national conference is necessary to relieve the crisis, state the Conacom leaders Victor Benoit and (Dunois) Eric Cantave. Let us listen to them.

[Begin recording] [Benoit] *Although we are still advocating negotiation, we think that some mistakes were made in the way the negotiations have been approached because the parties in conflict never got to sit around the same table. Who are the parties in conflict? They are President Aristide and the Haitian Army. Today, we are not concerned about the way the government approached the negotiations. We are saying, as long as those two sectors do not sit at the same table, negotiations will not take place. We think that it would be difficult if they sit together alone, so we are suggesting a national conference.*

[Cantave] *We are saying that the government approached the negotiations positively enough until now, because it has not said that it would not negotiate as the previous governments did. We are saying also that the solution to the Haitian crisis, will be a Haitian one. It must come from within the country. However, we must consider all the exogenous constraints.*

[Benoit] *[Word indistinct] as political leaders, we want to be positive performers. We are not selling optimism. What we mean is that we are launching an idea and we are doing all we can to make the idea work. Our only power is talk [word indistinct]*

We are taking responsibility to get in contact with the real forces of the country so that we speak with them so that they accept the idea of a national conference. [end recording].

Those were Conacom leaders Victor Benoit and (Dunois) Eric Cantave at a news conference to celebrate the third anniversary of Conacom. No date was given for the national conference. When meeting with the press today, the Conacom authorities also mentioned their admission as a member to the Socialist International, a decision made during that organization's congress in Berlin. This decision, according to Victor Benoit, represents some comfort to the members of the party. Conacom also pointed out that it had no objection to the presence of the OAS in Haiti.

Deputies Summoned to Session After Fight

FL2809162092 Port-au-Prince Radio Soleil Network in Creole 1100 GMT 28 Sep 92

[Text] The Secretariat of the Chamber of Deputies summoned all deputies of the 45th Legislature to an informal meeting at 1500 GMT on 28 September in the diplomatic room of the Legislative Palace regarding the incident on 25 September between President of the Chamber of Deputies Alexandre Medard and First Secretary of the Bureau Pierre Simon Georges. This summons comes after a fight between Deputies Alexandre Medard and Pierre Simon Georges in which Deputy Georges was seriously beaten up and was hospitalized at the Canape-Vert Hospital. According to Deputy Georges, divergences between himself and the president of the chamber pushed Deputy Medard to beat him up so badly.

Let us recall that Deputy Alexandre Medard is a member of the National Front for Change and Democracy Parliamentarian Bloc, BPFNCD, and Pierre Simon Georges is a member of the Alliance for Parliamentary Cohesion. The Alliance summons all members to an important meeting at the Legislative Palace at 1400 GMT on 28 September.

El Salvador

UN Envoy Marrack Goulding Arrives 28 Sep

PA2809203892 San Salvador Radio Cadena YSU in Spanish 1800 GMT 28 Sep 92

[Report by Carlos Mario Marquez from the Comalapa Airport]

[Text] Marrack Goulding, UN expert on peace missions, announced moments ago that he is in El Salvador specifically to settle the land distribution problem affecting former combatants of the Farabundo Marti National Liberation Front [FMLN] and the Army. He pointed out that this is the main mission entrusted to him by the UN secretary general, following an initial evaluation made 16 and 17 September. He did not answer questions from reporters, but he made a brief statement to the media. The expert on peace missions said:

[Begin Goulding recording in English, with passage-by-passage translation into Spanish] You know I only wish to make a brief statement now. I will expand on this statement when I leave the country later this week. When I was here last month, I had a number of very successful meetings with the government and FMLN, and we agreed to reschedule various aspects regarding the implementation of these agreements.

There has been much progress since then. Both parties have fulfilled satisfactorily some of the commitments they assumed. As we foresaw at that time, however, the land problem remains a very difficult one. Thus, the UN secretary general asked me to return to El Salvador to work with the two parties to try to reach a very prompt settlement to the land problem. [end recording]

That was part of the statement made at noon on 28 September by Marrack Goulding, UN expert on peace missions. He expressed trust that the parties will show goodwill in the attempts to settle the land problem this month, before the expiration of the 31 October deadline to end the armed confrontation.

FMLN Leaders on Goulding's Peace Efforts

PA2909004992 San Salvador Radio Farabundo Marti Network in Spanish 1800 GMT 28 Sep 92

[Text] UN Under Secretary General Marrack Goulding has arrived at Comalapa Airport in San Salvador. Mr. Goulding is now leaving the airport.

The Farabundo Marti National Liberation Front [FMLN] expressed its confidence that Mr. Goulding's efforts will have a positive impact on the peace process.

Goulding, the UN official who oversees international peace operations, is scheduled to arrive in San Salvador on an official visit that will last several days. During this time he will evaluate and try to boost the peace agreement implementation process.

Commander Gerson Martinez emphasized the FMLN's expectations regarding Goulding's visit.

[Begin Martinez recording] With respect to the forthcoming arrival of Mr. Marrack Goulding, UN under secretary general for peace operations, we are really confident that his efforts in El Salvador will be very positive. We are really confident that this will be the case. Most of all, it will be positive in the sense that his efforts will contribute to clearing the way to solve the problems behind the land distribution issue before the 30 September deadline. We expect that there will be no further stumbling blocks that will hinder the demobilization of the third 20 percent of our troops. We are confident that his efforts will contribute to overcoming the government's delays, especially those that relate to the land issue and the 30 September deadline. We also hope that during this period the ad hoc commission's report will be honored and implemented, according to the provisions the report advises. It is important that the reports' terms are implemented without change. It is also important for the Armed Forces to be cleansed, as the government agreed. That is one of the most important issues still pending. I believe that the joint UN-FMLN effort will contribute significantly toward solving this issue. [end recording]

Commander Gerson Martinez referred to the forthcoming visit to El Salvador of two high-ranking U.S. officials. The head of the U.S. Southern Command, based in Panama, and Bernard Aronson, U.S. assistant secretary of state for inter-American affairs, are scheduled to arrive in El Salvador during a very sensitive and important part of the peace process.

[Begin Martinez recording] Well, we have interpreted the visit by the head of the U.S. Southern Command and Mr. Aronson's visit as constructive interest on behalf of the U.S. Government. We hope that their presence will contribute positively to overcoming the difficulties we have been encountering in executing the peace process. Specifically, I am referring to the issues related to the cleansing of the Armed Forces, as agreed to by the government, and the land distribution problem. Both of these issues need immediate and concrete solutions before 30 September. It is important for them to realize that the FMLN is working and taking the necessary steps to honor the 30 September deadline. At the same time, we urge the government to stop putting up any more stumbling blocks in the way of the peace process so the implementation calendar can become a reality. [end recording]

Commander Gerson Martinez, a member of the FMLN political committee, commented on the arrival in El Salvador of three important international officials. UN Under Secretary General Marrack Goulding arrived on the afternoon of 28 September. The head of the U.S. Southern Command and Mr. Bernard Aronson are expected in the next few days.

Commentary Views U.S. Role in United Nations

PA2609222092 San Salvador Radio Farabundo Marti Network in Spanish 1800 GMT 25 Sep 92

[Station commentary]

[Text] We have been following the recent developments at the United Nations with deep concern. We are referring to developments in the UN Security Council as well as the General Assembly.

Structured according to a complex and unequal balance with five permanent members with power to veto any resolution, the UN Security Council, by excluding Yugoslavia from the main world forum, is not undertaking efforts to ensure world peace and security. Yugoslavia has been selected as the central and inmediate objective of pressure that may ultimately result in direct military intervention, through which the Security Council continues taking steps to become a body that guarantees U.S. warmongering policies.

At the same time Yugoslavia's expulsion from the United Nations took place, reports on the alliance between the Croatian and Bosnian Governments were disclosed. This is an alliance dominated by Muslims and Croatians which faces the Serbian ethnic groups from Bosnia-Hercegovina and the current Yugoslav Federation.

In addition to all of this, the United States announced that it was placing its arsenal and military bases at the United Nation's disposal. According to this view, it can be seen easily that a military escalation is in underway aimed at worsening the already bloody Balkan war in which the number of deaths already surpasses 20,000.

The United States is taking concrete steps to transform the main international forum into a convenient vehicle for its plans for military dominance. With each passing day the United Nations ceases to be an organization of world expansion, the objective for which it was created. Notwithstanding that the United States has moved ahead to grasp complete control of the United Nations, Japan and Germany, the two nations that surpass the United States in the economic and commercial area, have requested their incorporation as permanent members of the UN Security Council.

While the superpowers haggle over leadership in the Security Council, the rest of the nations are left, in practice, without any voice or voting power in the United Nations. As a result of the direction currently taken by the United Nations, it has ceased to be an organization that truly represents the countries of the world.

The United Nations is in jeopardy of becoming an organization that merely echoes U.S. strategies against countries that do not agree with its system, such as Cuba or North Korea. In addition, there are countries, such as Iraq, Iran, and Libya, that count because of the valuable natural resources the United States is eager to appropiate completely.

In the meantime, in an attempt to correct the direction currently taken by the Security Council, President Suharto of Indonesia, leader of the Nonaligned Movement recently, called for a review of the composition of the international body in an attempt to guarantee the best representation for Third World nations. The Nonaligned Movement leader pointed out that there currently is no openness in UN activities which is evidenced by the significant abstentions that took place during the voting where it was decided to exclude Yugoslavia from the international organization.

The United Nations and its principal members should be subjected periodically to a process of review and revitalization in order to guarantee its suitability to the new realities and democratic participation by all nations, not only by the superporwers.

Yugoslavia's exclusion could result in significant consequences because it is opening the way for a deeper split between the ethnic groups involved in the conflict of the former Yugoslav federation. The expulsion does nothing whatsoever to favor the search for understanding and coexistence.

Copaz Asks Swedes for Economic Support

PA2609194292 San Salvador Canal Doce Television in Spanish 0300 GMT 26 Sep 92

[Report by Hilda Quijano]

[Text] The National Commission for the Consolidation of Peace, Copaz, asked the Swedish parliamentarian delegation visiting our country for economic support to consolidate the Salvadoran reconstruction process.

The request was made during a meeting between Copaz members and six deputies from the Swedish Parliament Foreign Relations Commission. The visitors expressed their desire to contribute to the process for the consolidation of peace, but made no specific offer.

[Begin unidentified Swedish parliamentarian recording] For a long time we have been closely following the Salvadoran peace process and developments. Hence, it is a privilege to visit your country precisely at this time when the peace process, which is so important, is being fully implemented. [end recording]

Representatives from the Nationalist Republican Alliance, ARENA, and the Farabundo Marti National Liberation Front, FMLN, commented on the president's request for aid from the international community.

[Begin unidentified representative recording] As a poor country, we certainly need aid from the international community. [end recording]

Meanwhile, FMLN member Francisco Jovel said his organization is doing its part in the peace process. He added that to succeed, the process requires international financial support.

[Begin Jovel recording] I would like to stress that it is important not to abandon El Salvador. On the contrary, we must realize that the consolidation of peace depends on international cooperation. [end recording]

The members of the commission in charge of verifying compliance with the agreements signed between the government and the FMLN informed the Swedish parliamentarians of the difficulties faced during the process for the consolidation of peace, including the land problem and attention to former combatants.

Army Asked To Accept Commission Findings

PA2509173092 San Salvador Radio Venceremos Network in Spanish 1800 GMT 24 Sep 92

[Report by Jose Soneta]

[Text] The Permanent Committee for the National Debate on Peace [CPDN] on 24 September called on the Armed Forces high command and young servicemen to abide by the recommendations of the Ad Hoc Commission, which noted top officers may be involved in human rights violations. CPDN leader Guadalupe Ortiz indicated the Armed Forces must regard a purge in their ranks as their contribution to the peace process and the democratization of the country, so that a new society can be built.

[Begin Ortiz recording] We are also calling on the Armed Forces, their commanders and young servicemen, to make the appropriate administrative changes based on the recommendations of the Ad Hoc Commission in a spirit of patriotism. What does this mean for us at the CPDN? It means the Armed Forces should not support any action that may counter the peace process or lead to a coup. Any action of this sort would be doomed to failure because it will not have the support of society, the United States, or the United Nations. As a signal from the new Armed Forces that are being built, there should not be any support for or ties with the ultra right, which was so damaging to our country and brought fear, death, and [words indistict]. [end recording]

Reverend Edgar Palacio in turn said he hoped that the Ad Hoc Commission report is objective. He also said it must be made public.

[Begin Palacio recording] [passage indistinct] [end recording]

The final report by the Ad Hoc Commission is the result of the evaluation done of ranking military chiefs and stems from the peace agreements signed by the government and the Farabundo Marti National Liberation Front in Chapultepec, Mexico.

Ceremony Marks Pipil Battalion Demobilization

PA2409181592 San Salvador Canal Doce Television in Spanish 0300 GMT 23 Sep 92

[Text] On 22 September, 279 members of the 2d Infantry Brigade Pipil Battalion were demobilized as part of the plan to reduce the Armed Forces.

The officers and members of the 2d Infantry Brigade Pipil Rapid Deployment Battalion were demobilized based on the peace accords. The ceremony was not attended by the military high command, but it was attended by 2d Infantry Brigade Commander Colonel Carlos Rolando Herrarte.

The new step in the Army's reduction occurs less than 24 hours after the demobilization of the second 20 percent of the Farabundo Marti National Liberation Front's forces.

[Begin Col. Herrarte recording] The Pipil Battalion participated with heroism, valor, sacrifice, and professionalism in the military campaign carried out against the communist aggression. It defended the state and thus contributed to the fulfillment of the Armed Forces constitutional duty. [end recording]

The Pipil Battalion was formed by 279 members distributed in three companies and was founded in 1981, precisely when the conflict reached its highest level in the eastern sector.

Artillery members and others in charge of large caliber weapons surrendered their weapons with the hope their efforts were worthwhile.

Arsenal Found in Abandoned House in Sonsonate

PA2509201692 San Salvador Radio Farabundo Marti Network in Spanish 1800 GMT 23 Sep 92

[Report by Hernan Estrada from Sonsonate—live]

[Text] [Estrada] War supplies were found in a house. As a result of a search operation, war materiel was found in a house. Police reports indicate the house is located on lot number 22 in the Las Palmeras neighborhood, 2 km south of the department seat. Six rifles, clips and grenades of diverse calibers, revolver butts, electric wiring, broken electric home appliances, military uniforms, telescopes, and a sizable amount of munition of diverse calibers were found in the abandoned house. Several photograph albums and Armed Forces official documents were also found. It has not yet been determined the person or persons responsible for the confiscated items. ONUSAL [UN Observers for El Salvador] members came to the site to oversee the seizure.

Meanwhile, we will try to investigate the persons responsible for this to report the whole truth to Radio Farabundo Marti's large radio audience. Do not forget

that this afternoon we will be conducting an investigation at the site of the incident. That is, not at the police headquarters, but at the site of the findings.

[Announcer] You said ONUSAL members had been at the site.

[Estrada] That is right, they were there. The fact is that those people are everywhere, they are always....[pauses] they can regularly be found in the brothels, they do not lose time....

[Announcer, interrupting] Does the National Police have any clues regarding the origin of these weapons?

[Estrada] I believe they do. It appears that the neighbors tipped the police that unknown person were entering and leaving the house. Based on these reports the National Police sent troops to the house and they found what we mentioned before.

[Announcer] We thank you for the report from Sonsonate.

[Estrada] We will investigate that place until we find out who is involved in this.

Commentary on Peace Agreement's Unresolved Issues

PA2909023692 San Salvador Radio Farabundo Marti Network in Spanish 1800 GMT 28 Sept 92

[Station commentary]

[Text] With only one month remaining to end the armed conflict in accordance with the peace agreement calendar, this event is currently being blocked by two main unresolved issues: those related to the Armed Forces and land distribution.

The unfair land distribution problem and the military apparatus created to defend this illegal distribution have been the main ingredients of the social instability that has taken us through two periods of violence, first in 1932, and now the civil war from which we recently emerged.

It is inexcusable that at this stage of the peace process issues related to property and disassembling the military apparatus continue to hold hostage peace and democracy in El Salvador.

These two issues were the most difficult ones to discuss during the peace negotiations. Now, during the peace agreement implementation phase, they continue to be thorny issues. This is not acceptable to Salvadoran society, which is fed up with social instability.

It is possible to fail with respect to other issues. But on the Armed Forces and the land issues, it is necessary to be emphatic. If we leave this unresolved issue for tomorrow, it would mean leaving El Salvador open to an uncertain future that simply paves the way for another vicious cycle of violence.

It is not that we consider the other issues to be unimportant. They are all important. But if we are able to break the main obstacles embodied by militarism and land ownership, the nation's other problems can easily be solved through current or future mechanisms created through the peace process for such purposes. We now have one month remaining to end the armed conflict and all estimates indicate that the implementation calendar will be extended. According to our understanding, this should never happen. It is urgent for the Armed Forces and land ownership issues to be resolved once and for all.

If these two issues can be resolved, then nothing will be able to stand in the way of lasting peace. Whatever may come in the future will most surely be problems befitting a democracy, the foundations of which are based on firm institutions created by a civilian democracy.

Guatemala

Steps To Stabilize Exchange Rate, Curb Inflation

PA2509233192 Guatemala City SIGLO VEINTIUNO in Spanish 22 Sep 92 p5

[Text] On 21 September the Monetary Board approved a package of measures entitled, "Complementary Measures for Monetary, Exchange, and Credit Policy for the Remainder of 1992." The goals of these measures are to withdraw 700 million quetzals from circulation and to maintain the level of investment in Certificates of Deposit [Certificados de Deposito a Plazo, CDP] and Negotiable Investment Certificates from Values Held in Trust [Certificado Representativo Negociable de Inversion de Valores en Custodia—Cenivacus] at the current level of 1.49 billion quetzals.

The measures include an increase in the compulsory temporary reserve of the private banks in the system from the current 3 percent to 6.5 percent by 1 December.

For this reserve amount, the private banks will receive an annual interest rate equivalent to the financial cost of the deposited resources [costo financiero de los recursos depositados]. The interest rate will be reviewed monthly by the Bank of Guatemala and accrued interest will also be paid each month.

The increase will be accomplished in three stages: 1.5 percent on 1 October, 1 percent on 1 November, and the remaining 1 percent on 1 December. The increase will be in effect until net monetary reserves increase by $50 million and as long as the assets of the Bank of Guatemala do not exceed the limit set by established monetary policy.

Another measure adopted by the Monetary Board to collect the excess money in circulation is to negotiate with state enterprises to get them to deposit their financial resources in the central bank.

This measure ratifies an earlier ruling calling on all state institutions required to maintain their funds in the Bank

of Guatemala to in fact maintain them there, and on any institution that has withdrawn its funds to redeposit those funds in the bank.

Negotiations will be undertaken with public institutions that are not subject to this requirement to persuade them to invest their resources in Treasury Bonds, Cenivacus, and CDP's at a competitive interest rate. These public institutions include the USAC [University of San Carlos], the IGSS [Guatemalan Social Security Institute], the INTA [National Institute of Agrarian Reform], and the Indeca [National Institute of Agricultural Marketing], among others.

According to the information received, competitive interest rates also were offered to public institutions that are compelled to maintain their resources at the central bank.

The Cenivacus that are about to mature—worth some 1.4 billion quetzals—will be retained by offering a competitive interest rate.

The last of these measures—with which the Monetary Board hopes to withdraw a hefty sum of money from circulation—is to establish a negative net credit [credito neto negativo] requirement for the government of 460 million quetzals.

By therefore neutralizing currency on the market, the Monetary Board will withdraw close to 2.19 billion quetzals from circulation in the remainder of the year. This should reduce the pressure on the exchange rate between the quetzal and the U.S. dollar and keep inflation from increasing.

Legislative Assembly Approves New Penal Code

PA2609230092 Guatemala City SIGLO VEINTIUNO in Spanish 25 Sep 92 p 4

[Text] On 24 September the Guatemalan Legislative Assembly promulgated a new Penal Procedures Code through Decree 51-92. It contains changes that constitute a profound reform in penal procedures and represents the first step toward transforming the Guatemalan penal system.

According to Deputy Arturo Soto Aguirre, the most significant change in the new Penal Procedures Code, which will go into effect a year from now, will be that criminal investigations will no longer be the responsibility of judges, but of the Attorney General's Office.

Another important change will be the elimination of secrecy in exercising justice by eliminating the summary phase and establishing public hearings through which the public will clearly hear the judges' decisions.

Another major and important change will be the establishment of bilingual trials (Spanish and a Maya or Indian dialect) through a system of simultaneous translation, which will be implemented by the Judicial Branch in two years.

The new code also created special courts for crimes against the environment, which must be embodied by the Penal Code, as well as special courts to handle drug trafficking crimes.

Deputy Soto stressed that simple and expeditious penal procedures will be instituted to resolve cases involving minor social crimes, which will enable the state to concentrate its efforts on the investigation and punishment of crimes of serious social impact.

In addition, a public defense system was created to provide free legal assistance to individuals who cannot afford to pay a lawyer. The Judicial Branch will cover the expenses.

Deputy Soto noted that the Judicial Branch will have to be assigned the necessary funds to implement these radical reforms. He added that until now, justice maintained the characteristics and procedures of the Spanish colonial days: secret, bureaucratic, depersonalized—files were judged, not the persons or the circumstances—overloaded, slow, costly, uncontrollable, and favoring impunity.

With the new code, he added, we have taken a step toward total reform, living under a state of law, strengthening the democratic system, and guaranteeing liberty, justice, security, peace, and development for the people, a task in which all Guatemalans should participate.

Soto warned that although the new code gives the penal system appropriate and modern mechanisms, it must be clear that the struggle against crime cannot be waged only with laws. Social, administrative, and economic measures are also necessary.

The new code was proposed in 1990. After several months of analysis and study, the Legislative Assembly debated and approved its 554 articles.

Nicaragua

Article Reproaches Commander Victor Tirado Lopez

PA2609041192 Managua EL NUEVO DIARIO in Spanish 23 Sep 92 p 4

[Unattributed article: "Answer to Tirado Lopez: Let Us Put an End To Capitulations"]

[Text] May Commander Victor Tirado Lopez excuse us, but this talk about some breeds of people having become ancient history has created some sort of wagon onto which many people who until recently were very revolutionary have climbed and are now coasting toward openly capitulating positions, overwhelmed by the collapse of the East and by the overbearing power, especially military power, of the United States.

As far as we know, and Commander Tirado knows this very well, revolutionaries have never sought a confrontation with the United States. It has been the United

States that created confrontations whenever we demanded respect and mutually beneficial cooperation to end the practice of Nicaragua always being the loser in its commercial, political, and military relations with our powerful neighbor.

We agree that it is necessary to forge alliances with small and big countries alike, especially with our Central American sister nations, to successfully face the major challenges that life produces in the unfavorable context in which we function. However, no one can really believe that the United States wants order and stability in Nicaragua so it can have the opportunity to help and cooperate with Nicaragua.

What the United States (the U.S. imperialists) wants is to renew the hegemony it had in Nicaragua until the day the Sandinist people's revolution won.

Tirado Lopez admits that if the government does not stop the Somozist effort to reestablish its dominant positions in the economy and in national politics, there could be violence in Nicaragua, and it would not necessarily be promoted by the Sandinist National Liberation Front [FSLN]. The U.S. Government firmly supports the Somozists in their endeavor. Evidence of this is the conditions it has placed on the president of Nicaragua. The conditions call for the return to former U.S. hired hands of all assets and properties confiscated from them. Many of these hired hands now enjoy the protection of a U.S. passport.

For us to speak of that kind of cooperation means suicide or, at the very least, renouncing the accomplishments for which Nicaraguan patriots have died for generations.

Tirado has said: "We cannot disregard the United States, which has become the world's sole major power." We wonder: Who is disregarding whom? History tells us that we, the poor and the small, have always been disregarded whenever we have wanted to speak to and demand fair treatment from "the sole major power."

We were almost in tears when Tirado said that "the United States and the EC are going through a social and monetary crisis." If the United States is going through such a crisis, it is because of its internal and imperialist contradictions, something the Third World countries have nothing to do with except to serve as scapegoats on which crises can be unloaded. The plans of IMF and neoliberal policies are a brutal way of denying us the aid that they owe us as indemnity for the damages and plundering to which they subjected us in the past.

Tirado noted: The United States cannot pull out of the crisis unilaterally. It needs markets. That is true. The problem is that it wants to impose domineeringly the rules of the market, forgetting the mutual benefits aspect of market relations.

Through the Free Trade Treaty, the United States seeks to eliminate our countries' protective barriers while maintaining its own, just as it does with the subsidy policies that it implements whenever it finds it suitable.

Perhaps it is true that we have found no alternative to what was broken in the socialist camp, but that does not mean we have to stop seeking solutions to the problems that the crumbling of socialism created for mankind, much less that we must retreat to seek refuge in the enemy's positions.

If we do, we would be putting our hands up and beginning to sink in the shame of surrender, of giving up, of hopelessness.

National Conservative Party Elects Officers

PA2909015392 Managua Radio Ya in Spanish 1100 GMT 28 Sep 92

[Text] During the National Conservative Party [PNC] elections there was no shortage of gossip and liquor, just like the old times. Elected to the party's presidency and vice presidency, respectively, amid the gossip and liquor were Roger Mendieta Alfaro and his running mate Adolfo Calero Portocarrero, a former contra leader. Mendieta and Calero plastered their rivals Edmundo Castillo and his running mate the former contra Donald Lacayo.

Edmundo Castillo, the loser, twice contested the elections at the Electoral Tribunal, but in the end Mendieta received 280 votes and his opponent 32. Outside the Espana sports complex, hundreds of peasants drank liquor and fought over the money they had received moments earlier from a very well dressed woman carrying a briefcase.

Panama

Supreme Court Revokes Attorney General's Order

PA2609154292 Panama City Radio KW Continente in Spanish 1200 GMT 25 Sep 92

[Text] The Supreme Court on 24 September revoked the order issued by Attorney General Rogelio Cruz on 26 August dismissing Customs Director Rodrigo Arosemena. The Supreme Court concluded there was no fraudulence or wrongdoing in the way the customs director issued customs permits. Attorney General Cruz made the following comments:

[Begin Cruz recording] As head of the Attorney General's Office, it is my duty to fulfill the Constitution and law, as well as court decisions, and, obviously, the decisions of the top judicial body —the Supreme Court of Justice.

This is the same thing that happened when I started investigating a complaint lodged against the comptroller general. I am going to do the same thing I did on that occasion—in other words, as the Supreme Court revoked my order by virtue of an amparo, I will fulfill the decision regardless of the reasons given. I will file away

the records, but an official investigation will be initiated because I do not believe I can refrain from investigating this government employee or these crimes.

A few months have been lost, a few apparently useless efforts have been made, but that will not stop me from conducting an investigation as the law dictates. [end recording]

Meanwhile, Rogelio Cruz underscored that the best way to fulfill the Supreme Court decision is with silence.

[Begin Cruz recording] I do not want to fulfill this decision. I believe the best way to fulfill it is with silence. As I said, however, I will initiate an official investigation and I hope to be able to provide clearer evidence so in the future the Supreme Court of Justice will be convinced that I was right. [end recording]

To conclude, the attorney general said the investigation conducted on Rodrigo Arosemena and Comptroller Ruben Dario Carles' special accounts have encountered the same fate. The Supreme Court ordered him to file away the summaries. Nevertheless, the two decisions have not made the attorney general accept defeat.

[Begin Cruz recording] I hope that on this occasion the investigation will conclude with a hearing with the attorney general in accordance with the law and that the Supreme Court will eventually get to the bottom of the matter. [end recording]

Arosemena Comments on Decision

PA2609154492 Panama City Radio KW Continente in Spanish 1200 GMT 25 Sep 92

[Text] Customs Director Rodrigo Arosemena made the following comments on the decision by the Supreme Court of Justice and the attorney general's decision to conduct an official investigation:

[Begin recording] [Arosemena] I must express gratitude because I feel justice has been served. I feel very satisfied, not in a boastful manner, but I am very satisfied. What I must do now is continue working as I have done thus far, for justice, against drug trafficking, and for the Panamanian people.

I believe and have often heard it said that Panama has problems, but there is one thing to be said for it and the Panamanian people: They are not drug traffickers or drug consumers. We do not want drugs on our streets and I hope this will be a clear message to the drug traffickers. We are going to continue struggling against them now and in the future so they will know the Panamanian people do not want them.

The General Customs Directorate on 25 September confirms its pledge to the Panamanian people to fight drug trafficking and customs crimes. This is what I am being paid for; the spirit has been created and there are people at customs struggling for this. I love Panama and have waged a very difficult struggle against tyranny—against Noriega's narcotyranny—and now I will make my small contribution to this country's reconstruction.

[Unidentified reporter] Mr. Arosemena, the court has instructed the attorney general to file away his records on you. The attorney general says he will fulfill that order but will pursue his official investigations.

[Arosemena] He can do what he believes is best. I cannot tell him what he can or cannot do. I will only say one thing: He is not the top authority in this country. The top authority in this country is called the Supreme Court of Justice. He must watch his words—he must not offend the Supreme Court of Justice.

[Reporter] Regarding Mr. Cano, is there any evidence he was really ill when he was in the hospital?

[Arosemena] I really could not prove if he was ill. It is very strange that on the same day the attorney general attempted to suspend me, he sent Cano to the Paitilla clinic. On the same day the Supreme Court received my amparo—I had already told him that if he did not correct the situation I would—Cano was sent back to the Renacer jail. I cannot say that he was or was not ill—these are coincidences. [end recording]

Local 907 Leader on Elimination of U.S. Bases

PA2909013692 Panama City Telemetro Television Network in Spanish 1730 GMT 28 Sep 92

[Text] By the year 2000, the U.S. Southern Command bases will be handed back to Panama, as stipulated by the Torrijos-Carter Treaties. This worries the Panamanians who work on these military installations. Arturo Thomas, leader of Local 907, said that tens of thousands of Panamanians will swell the ranks of the unemployed before the year 2000.

[Begin recording] [Thomas] It is necessary to conduct a study to adjust the minimum wage. Because of labor-management relations between the canal workers and the world's biggest power, what we are debating now has already been incorporated into the country's labor code and the labor-management relationship, where all workers have been classified according to category. Salary adjustments are made periodically to make up for current social conditions.

[Reporter] What will happen to the jobs that are about to be lost?

[Thomas] We have been stressing to the government the need to consult the people. We know Foreign Minister Linares keeps saying the U.S. Government does not intend to stay in Panama beyond 2000. According to our sources, however, the United States is indeed interested in staying here. But this desire is resisted by the Panamanian Government. The elimination of the bases would have a hard impact on the country's economy, but particularly on us workers and our relations with the rest

of the world. Instead of taking the best advantage of the struggle we have been waging, instead of seeking solutions to help the country and the people in general, the Panamanian Government seems to have decided to kick out a great ally that can help the country overcome underdevelopment. [end recording]

Argentina

Privatization of Government Oil Deposits Approved

PY2509223292 Buenos Aires BUENOS AIRES HERALD in English 25 Sep 92 p 1

[Excerpt] The eight-billion-dollar privatization of YPF [Government Oil Deposits] was sanctioned into law by the Justicialist bloc of the Lower House of Congress last night with the support of the UCeDe [Democratic Center Union] and other small parties after the walkout of Radical deputies, who boycotted the vote. The opposition's walkout follows on the heel of a Radical threat to withdraw from Congress altogether to protest the growing control of the current administration over all branches of government.

The Justicialist bloc succeeded in approving the YPF sale after thirty hours of sessions with 120 votes in favour, 10 against and one abstention—a total of 131 votes casts.

Earlier in the day yesterday, President Carlos Menem criticized the opposition Radical Party for refusing to turn up to discuss the oil bill, and threatened to privatize YPF by decree if problems in achieving quorum in Congress persisted.

The refusal by Radical legislators to attend the YPF privatization debates was "regrettable," Menem said. The opposition bloc members "are playing hide-and-seek," he added.

"Those who have failed in the past are the very same people who want to fail now, and they won't succeed, because it is impossible to return to the Argentina that we have left behind, this course we are on has no U-turn, and the intensity of the wind that blows or the hurricane that rages no longer matters, because this country will never collapse again." [passage omitted]

Radical Party Abandons Dialogue With Government

PY2409234492 Buenos Aires BUENOS AIRES HERALD in English 24 Sep 92 p 11

[Excerpt] (DYN-NA)—The Radical Party officially announced yesterday it had abandoned the political dialogue with the government and admitted it was analyzing the "extreme" measure of withdrawing its parliamentary representatives in a direct answer to what it considers an "authoritarian advance" of the Menem administration.

Interior Minister Jose Luis Manzano said a few hours after the announcement that the political dialogue between the government and the opposition was currently "in an impasse" requested by the Radical Party to stage the Radical Convention and to carry out the senatorial campaign in the Federal Capital.

Manzano downplayed the Radical decision stating that "it's nothing serious because Congress is working," after presiding [over] a ceremony where the World Bank granted Argentina a 280-million-dollar credit to be used in aid to flooded areas nationwide.

The Radicals made the announcement after a meeting of its National Committee held yesterday. They considered that talks with the government had been "broken" blaming the government for the situation.

The main opposition party's National Committee also described as "a new and extremely serious situation" the Jujuy's political crisis sparked when Radical Humberto Salum was elected senator along with a Justicialist only to be ousted from his seat ten days later in a new session which elected two senators from the governing party.

During the meeting the Radical leadership also backed its bloc of deputies' decision not to grant quorum for the Lower House debate on the YPF [Government Oil Deposits] privatization bill until the Justicialist party provided the numbers needed to session in the body which it controls by a wide majority.

The Radical summit was presided by the party's Directive Board head Mario Losada, National Convention leader Osvaldo Alvarez Guerrero, the heads of the Lower and Upper House blocs Adolfo Gass and Fernando De la Rua and some thirty leaders from all the party's internal branches.

A local news agency reported that the Radical Party's hard line stance against the Menem administration would be backed today through a document issued by the National Convention. The document would include the possibility of withdrawing Radical parliamentary representatives from Congress, a move which De la Rua anticipated yesterday. However, most Radical leaders at the meeting said that legislators would only abandon their seats in Parliament "if the situation gets to a limit." [passage omitted]

Strength of Chilean Armed Forces Detailed

PY2509154892 Buenos Aires NOTICIAS ARGENTINAS in Spanish 2317 GMT 24 Sep 92

[Text] Buenos Aires, 24 Sep (NA)—Military manpower in Chile, in proportion to the number of inhabitants, is reportedly six times greater than that of Argentina, according to specialized reports on defense issues which have been, by coincidence, released while the Chilean Army commander in chief, General Augusto Pinochet, is visiting Argentina.

"The Military Balance" in its latest edition states that Chile, with approximately 13 million inhabitants, has 75,000 troops in its Armed Forces and approximately 700,000 men in the reserves, and that 100,000 can be mobilized immediately.

Argentina, however, with 34 million inhabitants, has 52,000 troops, although the report does not mention the number of personnel in the reserves.

The experts state that Chile has a rapid deployment force due to the short distance to border areas.

The Chilean Army is made up of seven divisions, two in the north, two in the center, and three in the south. The Navy has "four naval zones," while the Air Force (FACh) is made up of four brigades.

The reports state that each Chilean Army division can immediately count on 10,000 men each.

The main Armed Forces bases are in: Iquique and Antofagasta (north), Valparaiso, Santiago, Concepcion, Talcahuano, Valdivia, Puerto Montt, Coyhaique (center), Punta Arenas, Puerto Dawson, and Puerto Williams (south).

The Chilean Army also has approximately 60 combat regiments made up of infantry, armored cavalry, artillery, communications, and engineering.

Among tanks and armored vehicles, it has approximately 800 units, while the artillery is composed of some 300 units.

The Navy has a strength of submarines, marine infantry, naval aviation, and surface ships, while the Air Force has almost 200 aircraft among combat, fight and attack, interception, and training planes, in addition to the helicopters.

Brazil

Deputies' Session To Discuss Impeachment

PY2809134692 Brasilia Radio Nacional da Amazonia Network in Portuguese 1000 GMT 28 Sep 92

[Text] The Chamber of Deputies plenary session today will begin to discuss the request for the impeachment of the president of the Republic.

[Begin recording] [Correspondent Betty Veloso from Brasilia] The guidelines for the session, which will begin at 1400, were established last week. The Chamber of Deputies' internal regulations state that the government and the opposition will register five speakers each. ABI [Brazilian Press Association] Chairman Barbosa Lima Sobrinho and OAB [Brazilian Attorneys Association] Chairman Marcel Lavenere, the sponsors of the request for impeachment, will also speak. The president of the Republic will also be able to present his defense in the Chamber of Deputies if he so wishes, by appointing a representative.

No deadline has been established for the session, but a quorum of 252 congressmen is required for any discussion. A total of 336 votes will be required to approve Deputy Nelson Jobim's judgment in the vote scheduled for tomorrow.

Deputy Humberto Souto, the government leader in the Chamber of Deputies, believes the opposition does not have that many votes.

[Souto] The information I have is that the opposition is not in a position to secure enough votes to remove the president. This is the information I have.

[Veloso] Chamber of Deputies President Ibsen Pinheiro must make an important decision today: Should the vote be cast electronically via a panel, or orally via a microphone. He must also decide if it will be necessary to call special sessions tonight or tomorrow morning.

Deputy Ibsen Pinheiro guarantees that the sessions to review the impeachment request will be the most tranquil in the history of Congress. [end recording]

Lawmakers Coordinate Collor's Resignation

PY2809175292 Rio de Janeiro O GLOBO in Portuguese 25 Sep 92 p 3

[Article by Jorge Bastos Moreno]

[Text] Brasilia—The main congressional leaders and President Fernando Collor's friends have already begun to coordinate his resignation to prevent the Senate from dismissing him, a decision that Senator Mauro Benevides is planning to make as soon as the Chamber of Deputies approves the impeachment request. Benevides has reportedly agreed with Chamber of Deputies President Ibsen Pinheiro to hand over the proceedings to the Senate on the same day as the impeachment vote; that is, 29 September.

Collor has already rejected other suggestions to tender his resignation, but he could be facing an irreversible decision by the Chamber of Deputies. According to a congressional leader, Collor's resignation will resolve two problems at once: It would avoid his being forced to leave and will give his successor Vice President Itamar Franco the authority to make immediate decisions to prevent paralysis in the administrative system and halt the action of speculators. It will also establish better conditions to consolidate his government team.

Opposition sources have said that this coordination is reportedly being carried out by Deputy Ulysses Guimaraes, (PMDB-SP) [Brazilian Democratic Movement Party-Sao Paulo]; Pedro Simon, PMDB senator for Rio Grande do Sul; Senator Henrique Cardoso (PSDB-SP) [Brazilian Social Democratic Party-Sao Paulo]; and Senator Guilherme Palmeira (PFL-AL) [Liberal Front Party-Alagoas). Palmeira reportedly will make the proposal to Collor. He was the first politician linked with Collor who suggested resigning when the CPI [Congressional Investigating Committee] hearing the Paulo Cesar Farias case did not end its investigations. Collor strongly rejected this proposal. Former Minister Jorge Bornhausen then tried to deal with Collor's resignation, a possibility that was hinted at by Military Household Chief Agenor Homen de Carvalho. Collor answered in the same way he did with Palmeira, that he would resist until the end.

Opposition congressmen linked to military ministers then hinted that they would take the initiative of submitting to Collor their proposal for his resignation. One congressman stated that the Armed Forces could not discuss this delicate political proposal with Collor for strictly constitutional reasons. The opposition did not find a solution among civilians, either. After saying that "to resign does not represent a cowardly but a courageous act," Justice Minister Celio Borja said this is a unilateral decision that must be taken by the president of the Republic, and consequently his subordinates cannot make such a proposal. Most of the ministers and government congressional leaders advocate the president's resignation.

One government congressional leader has said that Collor's resignation in theory would not change the political infrastructure on the eve of the decision by the Chamber of Deputies, but in practice it would represent the best solution for the president, for Vice President Franco, for Congress, and mainly for the country.

Opposition parties presidents, who have no congressional seats, do not want to participate directly in the coordination. They claim this would be interpreted as if

they were conspiring a negotiated resignation with the president, a move that would exempt him from facing charges of common crimes.

A party president said that the president has lost even the required timing [preceding word in English] for his resignation.

Fiuza To Defend Collor in Lower House

PY2809144292 Brasilia Radio Nacional da Amazonia Network in Portuguese 1000 GMT 28 Sep 92

[Excerpts] Government Secretary Ricardo Fiuza [title as heard] today will regain his seat as a deputy in order to coordinate the government bloc in the Chamber of Deputies during the vote on impeachment. Ricardo Fiuza will defend the president of the Republic in the Chamber of Deputies plenary meeting today. [passage omitted]

Presidential Spokesman Etevaldo Dias has said that Planalto Palace has 220 votes in its favor. [passage omitted]

[Begin Dias recording] The president is not thinking of revenge or retaliation; the president is thinking of agreements. He thinks like a statesman. Following this confusing political period, he wants to restore tranquillity in Congress immediately, because tranquillity has always prevailed within the society, and to begin his administration with a new cabinet. [end recording]

Dias noted that following this process, the government's base of support in Congress will be strengthened. He admitted that new economic measures will be implemented after the vote, but without any magic packages. Etevaldo Dias said that one measure being studied involves the implementation of a single tax. [passage omitted]

Minister Ricardo Fiuza, the government political coordinator, spent Sunday at the Planalto Palace talking to congressmen. [passage omitted] PDS [Social Democratic Party] Deputy Jose Lourenco, from Bahia State, also visited the Planalto Palace to assess the number of government votes.

[Begin recording] [Lourenco] We are working, just as the opposition is working, to strengthen our base.

[Unidentified correspondent] How many votes has the government secured so far?

[Lourenco] We have 204 votes.

[Correspondent] Two hundred and four? How did the talks with congressmen here fare?

[Lourenco] Very well, positive, very encouraging. The opposition knows impeachment will not be approved. [end recording]

Deputy Jose Lourenco stated that the government already has 36 votes more than those required to defeat the request for the impeachment of the president of the Republic.

Pro-Collor Deputies Contest Process, Not Merits

PY2809234392 Rio de Janeiro Rede Globo Television in Portuguese 2300 GMT 28 Sep 92

[Report by Alexandre Garcia from the Chamber of Deputies in Brasilia—live]

[Text] Twenty-nine deputies have already spoken thus far at the plenary session of the Chamber of Deputies. Each deputy on the list of speakers has been allotted five minutes to either endorse or to reject the impeachment process. Of these 29 deputies, only Ricardo Fiuza, Jose Lourenco, and Ronaldo Caiado opposed the impeachment process. Deputy Humberto Souto, the government leader in the Chamber of Deputies, also opposed the impeachment process.

The government's defense strategy at the Chamber of Deputies is, however, limited to contesting the process. None of the pro-government speakers addressed the merits of the charges against the president of the Republic. The government only will question the merits of the charges in the Senate.

Pro-Impeachment Rally Held in Candelaria 25 Sep

PY2809131492 Rio de Janeiro O GLOBO in Portuguese 26 Sep 92 p 10

[Excerpt] The Movement for Ethics in Politics yesterday staged a rally in Candelaria supporting the request to impeach President Collor. The local municipal civil defense department has stated that approximately 120,000 people participated in the rally. Among them were Rio de Janeiro Mayor Marcello Alencar and his Sao Paulo counterpart Luiza Erundina. The signatories of the request for impeachment, ABI [Brazilian Press Association] chairman Barbosa Lima Sobrinho and OAB [Brazilian Attorneys Association] chairman Marcelo Lavenere were also present in Candelaria and spoke to the crowd.

The number of people were fewer than expected by the organizers, and there were no disturbances in the audience. Leonel Brizola and Luis Inacio Lula da Silva were expected but did not show up. [passage omitted]

Army Troops on State of Alert in Most Capitals

PY2809232192 Brasilia Voz do Brasil Network in Portuguese 2200 GMT 28 Sep 92

[Text] Army troops have been placed on a state of alert in their garrisons in most capitals in the country since early this morning. This situation will be maintained until the end of the voting in the Chamber of Deputies on the impeachment of the president of the Republic.

Military Police will be responsible for security in Brasilia. The Army only will strengthen the security system at Planalto Palace and Casa da Dinda.

Strict Security Measures Enforced in Brasilia

PY2909125492 Brasilia Radio Nacional da Amazonia Network in Portuguese 1000 GMT 29 Sep 92

[Text] In Brasilia today, 13,500 policemen will be on the streets to ensure security during the vote on the request for impeachment of President Collor at the Chamber of Deputies. As of 0800 [1100 GMT], 8,000 soldiers will surround the esplanade where the ministries are located. The Casa da Dinda will be protected by a Military Police battalion, which will prevent demonstrations within 1,000 meters of the house.

The Federal District Military Police expect some 100,000 people to gather at the ministries' esplanade.

The Movement for Ethics and the Democratic Movement against Impunity have confirmed that 100,000 people will gather in front of Congress.

The largest labor sectors in Brasilia, including public servants, bank employees, teachers, health workers, water supply service personnel, and garbage processing personnel have declared a 24 hour strike. Only essential services will operate.

Stores will be open, but they are expected to close this afternoon.

The Military Household of the Presidency has a plan to isolate Planalto Palace from the demonstrations expected today. More than 300 troops of the Specialized Military Police will surround the Palace. The special security scheme will be maintained for 24 hours.

'Text' of President Collor's Defense

PY2509192492 Sao Paulo FOLHA DE SAO PAULO in Portuguese 23 Sep 92 Section 1 pp 13-14

["Text" of President Fernando Collor de Mello's defense against impeachment prodeedings; quotation marks as published; all section and paragraph numbers and letters as published; passages in italics in Latin]

[Text] Your Excellency Deputy Gastone Righi, President of the Special Commission:

Fernando Affonso Collor de Mello, president of the Federative Republic of Brazil, proceeding from the request for authorization for impeachment resulting from the charges pressed by Barbosa Lima Sobrinho and Marcelo Lavenere Machado, hereby submits his preliminary defense allegations in keeping with the terms of Section I, Paragraph 1 of Article 217 of the Internal Regulations. He does so for reasons that will be described below, within the term granted by his excellency the president of the Chamber of Deputies, and within the extension granted by the Federal Supreme Court [SIF] in its resolution issued 10 September 1992, which ruled on a procedural norm raised in the request for injunction 21.564-0 through court member Octavio Gallotti, who drew up the resolution.

[Dated] Brasilia, 22 September 1992

[Signed] Jose Guilherme Villela, lawyers' registry 201, OAB-DF [Brazilian Attorneys Association—Federal District], on behalf of defendant Fernando Affonso Collor de Mello Esteemed Special Commission:

The opening, implementation, and conclusion of the "impeachment" process have political inspiration and political incentives. The results will be political. This is all too natural; it can hardly be otherwise.

Yet this does not mean that the "impeachment" process will be totally indiscriminate or that it will be implemented entirely to the taste of the Senate or the Chamber of Deputies, because once it is opened it should follow the steps specifically set down in the law. Thomas Jefferson, who presided over the U.S. Senate, wrote in the Senate Regulations that as far as "impeachment" is concerned, the Senate decision "must be *secumdum, non ultra legem.* This applies not only to the ruling, but to the entire process, its phases and formalities." ("The Impeachment," by Paulo Brossard de Souza Pinto, 1965 edition, pp 184-185)

I. Necessary Clarification

The opportune and correct warning that appears at the beginning of these preliminary defense allegations reflects the defendant's hope that from now on his most elementary rights as the accused party will be respected, for which purpose he has been compelled to file a request for injunction 21.564-0 with the Federal Supreme Court. This request, which was granted in a plenary session, was filed in order to guarantee the defendant's term of defense, provided for in Article 217 of the Internal Regulations, which on the basis of analogy was enforced in this case, considering the openly illegal ad hoc rules that were prepared by the illustrious president of the Chamber of Deputies, who has made all possible efforts to hold the impeachment authorization vote before the municipal elections which are scheduled in 10 days for the entire country.

2. Inasmuch as the Supreme Court must rule on the above-mentioned injunction on 23 September, making it impossible to define at this time the legal rules by which the request for impeachment will be governed, it is appropriate to transcribe the contents of the plea for the injunction which was intended, "following the annulment of the action against which the injunction was directed, to have the illustrious president of the Chamber of Deputies—if he deemed it appropriate to submit the charges received to the Chamber of Deputies for discussion, in order to obtain the authorization provided for in Article 51, Paragraph I and Article 86, introductory paragraph included—comply with the legal

procedure established in Article 217 of the Regulations and the secret voting system established in Article 188, Paragraph II."

3. Inasmuch as the Supreme Court has examined only a portion of the injunction that has been requested and has postponed the final ruling on it, the accused deems it appropriate—in order to avert any risks from a delay—to base his defense on the presumption that by partially implementing Article 217, to extend the deadline for defense but without ruling it applicable or inapplicable in its entirety, the Supreme Court may have accepted the grounds for his plea, although he admits that this has not actually happened so far.

4. This explanation is necessary so that the defendant's request for evidence and procedures listed below do not come as a surprise. This request is based on Article 217, Chapter 1, Paragraph II, which, assuring the right to an adversary proceeding and the opportunity to present a full defense with the means and appeals inherent therein (Federal Constitution, Article 5, Paragraph LV), states: "The accused or his lawyer will have 10 sessions to submit written defense and evidence to the Committee."

5. It will be made clear in this presentation that the evidence mentioned and the actions requested are absolutely indispensable for the exercise of the right to full defense and may not be denied even if the resulting delay displeases powerful opposition forces or goes against the electoral interests of some and the unbridled lust for power of many.

II. Inertia of the Accusation

6. The illustrious citizens Barbosa Lima Sobrinho and Marcello Lavenere Machado filed charges against the president of the Republic accusing him of alleged malfeasance in office based on Article 85, Nos. IV and V of the Federal Constitution, and Article 8, Nos. 7 and 9, and Article 9, No. 7, of Law No. 1079 of 10 April 1950.

7. Article 85 says: "Acts by the president of the Republic that pose a threat to the Federal Constitution, and especially against the following, constitute crimes of abuse of power:

"...IV. the internal security of Brazil;

"V. probity in administration."

8. But the sole paragraph of Article 85 says: "Said crimes shall be defined in special law, which shall establish the rules under which they are to be tried and judged." The accusers base their charges on old Law No. 1079/50 which was established in the 1946 Constitution that included among the types of political-administrative violations the following:

Article 8. The crimes against the internal security of Brazil are:

...7. Allow expressly or tacitly the violation of the federal law on public order.

Article 9. Crimes for malfeasance in office are:

...7. Actions that are incompatible with the dignity, honor, and decency of the position.

9. The accusation did not bother to demonstrate any determined conduct of the accused that could fit within this or another regulation on malfeasance in office. Instead of describing criminal behavior and demonstrating that it goes along with the invoked legal regulations, the accusers have produced something like a political manifesto or a clamor to their party followers that did not become a serious or proper accusation for malfeasance in office. It did give rise to a march of political militants on Congress, where they were received by the illustrious Chamber of Deputies president with a warm speech and the slogan: "What the people want, this Congress also always wants."

10. If the accusation enlarged by the media and the organized street demonstrations added political dividends to the supporters of the "impeachment," it brought very little juridical basis for cause because all it did was repeat the monotonous campaign the media has been carrying out in the last few months with the purpose of smearing the honor of the president of the Republic and deceiving the public.

11. Despite the fact that a group of illustrious representatives of lawyers assumed a collective responsibility for the accusation, the charges do not even come close to the pattern that the old and wise Joao Mendes drew in this anthological passage:

"It is a narrative and demonstrative exposition. Narrative because it must reveal the facts with all their circumstances, which is not only a transitive action, such as the person who carried out the action *quis*, the means he used *quibus auxilis*, the evil it produced *quid*, the reasons that lead to it *cur*, the way it was practiced *quomodo*, the place where it was practiced *ubi*, and the time *quando*. Demonstrative because it must describe the *corpus delicti*, give the reasons for conviction or presumption, and name the witnesses." ("The Brazilian Criminal Process," edited 1959, II/183).

12. The basic requirement of the principle of contradiction that dominates any process for the imposition of the Constitution (Article 59, No. LV) of the accusation must contain:

"The exposition of the criminal act with all its circumstances, the qualification of the accused or the clarifying explanation by which he can be identified, a classification of the crime, and when necessary, the role of witnesses." (Article 41 of the Code of Penal Procedure)

13. Frederico Marques already observed with acuteness that "no matter how contradictory, the accusation is a requirement for exercising the right of defense." After recalling the teachings of illustrious Professor Joaquim Canuto Mendes de Almeida, Marques said:

"No one can defend himself in a vacuum; that is, ignoring the crime of which he is accused. If the defendant has no knowledge of the crime he is accused of, it will be impossible for him to defend himself against the accusations made against him." ("Studies of Law of Penal Procedures," edited 1960, pp 149-150).

14. It will be said that there should be more flexibility in malfeasance cases because otherwise, they end up becoming political trials. Therefore, the political nature of "impeachment" cannot justify vague, imprecise, or ungrounded charges because as Seabra Fagundes wrote:

"Because of its eminently political nature, a malfeasance process is implemented through an actual trial with clarified facts (crimes), enforced rights (penalty or acquittal), and final verdicts (*res judicata*)—The Jurisdictional Control of Administrative Actions, No. 67, page 157.

15. In the famous impeachment of Alagoas Governor Muniz Falcao, renowned Judge Hahnemann Guimaras also emphasized that "because of its English-American roots, impeachment is an essentially judicial-congressional process. It is a penal-political, not exclusively political, process." (RDA [expansion unknown] 52/296-297, in RMS [expansion unknown] 4,298 of 20 November 1957).

Thus, one cannot acquiesce to an invalid charge, either concerning common crimes or malfeasance in office. Because a crime of malfeasance in office is rarely cause for *persecutio criminis*, a defendant may refer to the strict guidelines of precedents concerning the requirements for filing such a charge. Listed below are some precedents for the mere purpose of citing examples:

a) "Penal Process. Charge. A charge concerning a crime of prevarication is invalid if it fails to specify the personal feelings behind the perpetrator's offense." (RHC 61.985d dated 15 June 1984; RHC III/288, a decision written by Decio Miranda, the eminent justice)

b) "Crime of prevarication. A charge that has not specified the action of the public servant accused of causing a delay or omission."

II. If a lack of specificity has jeopardized the defendant, who since his first written response has unsuccessfully demanded it, the decision declaring the annulment of the proceedings is correct.

A precedent at the STF.

III. "A special appeal that has been admitted, but not ruled upon." (RE 77.776 dated 15 May 1974, RTJ 71/835. written by Thompson Flores, the eminent justice)

c) "The Attorney General's Office has charged the defendant with having committed the crime of prevarication, which is defined in Article 319 of the Penal Code."

The charge, however, limited itself to making the following abstract accusation: "to satisfy personal interests or feelings."

The charge should have specified what interest or feeling was involved, mentioning the fact or facts that could have prompted the defendant to commit the crime because the lack of such specificity precludes the classification of such a behavior as a crime on which a criminal charge could be based." (Excerpt of a decision written by Justice Thompson Flores, HC 48.564 dated 15 December 1970, RTJ 56/774)

b) *Habeas corpus*. Invalid charge.

An invalid charge is that which entails curtailing the defense because it raises vague allegations against the defendant without a detailed account of facts and circumstances. Application of Article 41 of the Code of Penal Procedures. An appeal has been filed to annul the process *"ab initio"*. (RHC 61.208 dated 4 October 1983, RTJ 110/107, a decision written by the eminent Justice Soares Munoz)

a) "A charge may be concise but not unprecise to the point of jeopardizing the defense of the accused. As it is worded here, in vague terms, the charge does not contain a detailed account of the facts and circumstances because it neither specifies if a forgery of public document has been committed or if the prevarication charge raised against the defendant stemmed from an action designed to satisfy his personal interest or feelings, an element that is an integral part of this type of crime." (Excerpt of the decision written by Justice Leitao de Abreu in the case RHC 57.023 dated 22 May 1979, RTJ 92/630-631)

The illustrious accusers are well aware that the Amir Lando report alone does not provide substantive evidence to support their charges to the point that they "also requested, under Article 16 of Law No. 1079/50, full copies of the inquests conducted by the Congressional Investigating Committee [CPI] and all the pieces of evidence produced thus far by the Federal Police about the same charges, as well as the respective Federal Police report, if it were ready."

18. Those pieces of evidence have not yet been added to the case files, despite requests to this effect made by both the chairman of the Special Committee and by the defense, which in its petition to the Special Committee said:

"In light of the fact that thus far the defense has not even had the chance to see the case files to which it is presumed the documents mentioned in the CPI report drafted by Senator Amir Lando have been added, a review of which is considered essential for the defense, it is hereby requested that you allow the defense to see the files on the proceedings aimed at authorizing the impeachment process. Despite being compelled to submit its written allegations by tomorrow, the defense

has not had the chance to peruse such files or the original CPI documents, on which the accused party must obviously state its views."

19. Because the brief containing the charges does not enclose any of the pieces of evidence mentioned therein, the accusation is then based only on suppositions or conjectures, which are clearly tantamount to curtailing the defense. In any case, it must be acknowledged that this is also a case of an invalid charge, in light of the guiding rules of the STF, as outlined in the following cases:

a) "*Habeas corpus*. Use of false documents.

"Any charge about the commission of the crime classified under Article 308 of the Penal Code is invalid if it is based on mere conjectures, devoid of the incriminating evidence produced thus far; and if it has failed to take into account other elements of judgment such as possible or outright malice, which is an essential factor in classifying such a crime.

"A *habeas corpus* petition that has been partially approved for the purpose of declaring the charge invalid." (RHC 56.120 dated 30 May 1978, RTJ 94/101, written by Justice Cunha Peixoto)

b) "*Habeas corpus*. Just cause. A charge must relate to a criminal offense and must be supported *quantum satis* by adequate incriminating evidence. No charge can be based on suppositions, without evidence supporting linkage by the defendant to the reported charges. An accusation must at least be based on clues, as far as the perpetrator is concerned.

"A special appeal that has been rejected." (REC 38.118 dated 24 October 1978, RTJ 90/1014, written by Justice Leitao de Abreu) *Nullum Crimen Nulla Poena Sine Lege*

20. Concerning the political-administrative responsibility of high-ranking government officials, it is appropriate to recall that the principle *reserva lega* prevails among us. In addition to the guidelines established in the Constitution (Article 85 and its various items), malfeasance in office will be defined by law (Article 85, only paragraph).

21. Since no special law was passed by the national Congress—perhaps the omission is explained by the rarity of said law—the president of the Republic cannot be submitted to a trial for malfeasance in office, and thus it makes no sense to ask the Chamber of Deputies to authorize a trial for a nonexistent crime.

22. Congress is currently studying a bill—6/125/90—by the Federal Senate that defines malfeasance in office and regulates the respective proceeding. Until that bill, or another project, is turned into law, there is no way to adopt procedures for alleged malfeasance in office.

23. It is true that some say that our most recent law on the matter—Law No. 1079 of 10 April 1950—was not repealed by the 1988 Constitution but was incorporated by that Constitution, at least concerning the legal norms compatible with the current Constitution.

24. Even though the theory of incorporation is admitted, it will be necessary to agree that there was only a partial incorporation of substantive provisions of Law No. 1079/50—which defines malfeasance in office—because some of them were repealed by constitutional Amendment No. 4 of 2 June 1961, which institutes the parliamentary system and was not resurrected by constitutional Amendment No. 6 of 23 January 1963 that, in compliance with the result of the plebiscite, reestablished the presidential system.

25. An excellent demonstration of that theory is included in the expert opinion of jurist Manoel Goncalves Ferreira Filho, that the defense requests authorization to transcribe that opinion in this lengthy but brilliant lesson about the partial incorporation of Law No. 1079/50:

"In fact, on 2 September 1961, constitutional Amendment No. 4, the so-called Additional Act, was promulgated, instituting the parliamentary system. Now, this amendment, in Article 5, establishes:

"Article 5—Acts committed by the president of the Republic are considered malfeasance in office when they violate the Constitution and especially violate:

"I. The existence of the federal government;

"II. The free exercise of any of the constitutional powers of the federal or state governments;

"III. The exercise of political, individual, and social rights;

"IV. The country's internal security."

Confrontation between this Article 5 of Amendment No. 4/61 and Article 89 of the 1946 Constitution clearly shows that said amendment repealed Items V, VI, VII, and VIII of said Article 89, referring to the "probity in administration," the "budget law," the "custody and legal use of public money," and the "fulfillment of the judicial decisions."

More technically, "those provisions were rendered inapplicable because they became subsequently unconstitutional," quoting Jorge Miranda. (Constitutional Law Manual, Coimbra: Coimbra Ed., Volume II, 2d Edition, 1987, pp 248 and following)

This "establishes the suspension of the law and considers it inapplicable because being incompatible with the Constitution, the law hereby loses its intrinsic condition of subsistence, independently of any desire specifically seeking its elimination (Ibid., p 251)

Consequently, those chapters of Law No. 1079/50 on those matters, which defined the pertinent malfeasance in office, are no longer in effect.

Constitutional Amendment No. 6 of 23 January 1963, approved as a result of the plebiscite against the parliamentary system, repealed constitutional Amendment No. 4/61 in the following terms:

"Article 1. Constitutional Amendment No. 4 is hereby repealed, and once the presidential system of government is instituted by the Constitution, it will become in effect under the following term:

"In case of impediment or in the event the president and the vice president are unable to serve or the respective posts are vacant, the following will be called upon, in succession, to exercise the office of president: the Chamber of Deputies president, the federal Senate president, and the STF president."

The aforementioned sentence entails the resurrection of constitutional provisions that have been repealed by Amendment No. 4/61.

As a consequence of this, has the infra-constitutional law, which was repealed by said amendment, been brought back to light? There are solid arguments against it.

It is appropriate, first of all, to recall Article 2, page 3 of the Introductory Law:

"Except provisions to the contrary, the repealed law is not restored because the revoking law is no longer in effect."

Second, the need for reinstatement may become explicit.

This is noted by Rubens Limongi Franca, observing the existence of two commandments in Article 2, page 3 of the Introductory Law;

"A) The old law is not restored by abolishing the law that repealed it;

"B) The old law can be restored when the law that abolished it is no longer in effect provided that there is expressed order in that sense." (Civil Law Manual, 2d Edition, Sao Paulo: Rev. Tribunais, 1971, p 48)

Equally, this is Eduardo Espinola Filho's lesson in the book entitled "A Law Introducing the Civil Code" [A Lei de Introducao ao Codigo Civil], which is supported by abundant Italian doctrine (Stolfi, De Ruggiero) and in jurisprudence. (Decision issued by Federal District's Court of Appeals, registered by Des. Jose Duarte in Forensic Magazine, Vol. 73, page 60)

"A reviving disposition that expressly reinvigorates the revoked precept restoring its authority." (Rio de Janeiro: Freitas Bastos, 1943, Vol. 1, p 92)

Vicente Rao says on the same subject:

"A law that had been repealed can only be restored if it is expressly done so by a new law. In principle, without a new law, the annulment is always definitive even though no other precept is approved to substitute for the contents of the law that had been repealed." (The Law and the Life of Laws, Sao Paulo: Limonad, Vol. 1, 1052, No. 263)

It therefore can be concluded that the definition of malfeasance in office mentioned in Article 85, only paragraph, of the 1988 Constitution is incomplete in our legal system.

It exists by the force of Law No. 1079/50 affecting matters included in Items I, II (partially), III, and IV; that is, in matters affecting the existence of the federal union, the independence of the legislative and judicial branches, and states' constitutional branches of government.

It does not exist affecting matters mentioned in Items V, VI, and VII on "probity in the administration," the "budget law," "custody and legal use of public funds," "fulfillment of judicial laws and decisions," or matters mentioned in Item II about restrictions to the freedom of the Attorney General's Office.

As a consequence, and respecting the principle *nulam crimen nulla paoena sine lege* the crime of malfeasance in office must not be included as contemplated by these dispositions."

26. Therefore, the norm cited in Article 9, No. 7, Law No. 1079/50 (behavior incompatible with the dignity, honor, and decorum proper for the post) has not been in effect from the time of the approval of E.C. [constitutional amendment] 4/61, and it was not revived through E.C. 6/63. Perhaps it is for this reason that the report had to resort to an analogy to Article 55, No. II, of the Constitution affecting the dismissal of a deputy or senator "whose behavior was deemed incompatible with a legislator's decorum." This analogy to a penal matter, even in a political-penal matter, is absolutely inadmissible.

27. Besides this violation, if we can accept it in theory —the report dedicated most of its time to it—we only have the inconsistency and undetermined acquiescence, expressed or tacit, of the violation of federal public order laws, which was not even pointed out in a clear manner (the accusers did not even say whether the accused acquiesced to such crimes by omission or action).

IV. To Whom The Accusation Was Addressed

28. Neither the honorable accusers nor the illustrious Chamber of Deputies president seemed to have discussed recent changes to the prerogatives of the chambers of Congress in case of impeachment: The lower house is no longer the court that decides or approves the propriety of the accusation (C.F. [Federal Constitution] of 1969, Article 40, No. 1 because it is a Senate prerogative to process and try the crimes of malfeasance of the president of the Republic (C.F., Article 52, No. I). According to previous laws, the Senate can only try (judgment tribunal). The Chamber of Deputies was left

with the prerogative to authorize the trial of the president of the Republic either for common crimes or for malfeasance in office. (Articles 51, No. I, and 86, heading)

29. The very impartial Senator Jose Paulo Bisol, perceiving the importance of the constitutional innovation, argued in the honorable Federal Senate session of 8 September 92 that the accusation should not have been addressed to the Chamber of Deputies president, as it happened, because it is the Senate's prerogative to process and try eventual crimes of malfeasance by the president of the Republic (Article 52, No. I) after obtaining the appropriate authorization from the Chamber of Deputies. In the case of common crimes, the report is addressed to the STF—an organ that processes and tries—and this tribunal asks the Chamber of Deputies to authorize the process before beginning the trial. This error in addressing the accusation would be reason enough to annul the eventual impeachment process that was installed in the Chamber of Deputies without the form or figure of a trial.

V. Legality of the *"Ad Causam"*

30. Another serious obstacle for this accusation against the president of the Republic derives from Article 129, No. I, of the Constitution because it is an institutional function of the Attorney General's Office, "the exclusive prerogative to promote public penal action as established by the law."

31. It is obvious that the crime of malfeasance falls under the definition of public penal action, which is the exclusive prerogative of the Attorney General's Office, as is sustained, among other authors, by the authoritative Fernando Da Costa Tourinho Filho in his well-know book "Penal Trial," 1962 Edition, 1/417, verbls [as published]:

"...Law No. 1079 of 10 April 1950, which defined the crimes of malfeasance and regulated the respective process and trial, permitted any citizen, *ut civis*, to present charges against a STF justice or attorney general responsible for crimes of malfeasance. The report was presented in the Senate, and if received, it was accompanied throughout the process by the reporting citizen. If he had the capacity to assume that responsibility, of course; otherwise, he had to hire a lawyer to represent him.

"Whereas nowadays according to Article 129, Paragraph I of the federal Constitution it is up to the government attorney to file public criminal suits, it appears to us that the charges cannot be filed by just anyone. In fact, in this country criminal suits are either public or private. The latter suit is filed by the victim or his legal representatives and the former by the government attorney. Since the crime of malfeasance in office is not private, it is public. This being the case, the charges may be filed only by the government attorney. Even under Article 42, Paragraph I of the 1967 federal Constitution, as amended in 1969, in the hypothesis of a president of the nation guilty of malfeasance in office, the accusation was not left in the hands of the Chamber of Deputies. Nowadays, the Senate has sole authority to not only proceed against the president for malfeasance in office, as was established in Article 42, Paragraph I of the previous constitution, but also to try him, as set forth in Article 52, Paragraph I of the current federal Constitution."

32. This is reason enough in itself to simply file away the charges that were not leveled by the office of the federal attorney general.

VI. Procedure for Authorization

33. In his plea for an injunction under consideration by the STF, the defense has delved into considerations—which have been included in this preliminary presentation for the defense—to show that it was up to the Chamber of Deputies president to choose between the procedure established by internal regulations (Articles 217 and 188, Paragraph II) or the one set forth in Law No. 1079/50, should the latter be accepted as valid by the current constitution. The plaintiff, now the defendant, advocates the implementation by analogy of the internal regulations of the Chamber of Deputies, which has been looked upon favorably by the STF as shown by its initial ruling on the impeachment. The Chamber of Deputies president, however, has disappointingly chosen to apply Law No. 1079/50, which attracted him because its Article 23 establishes a nominal public vote. He did not, however, comply with Article 22 of that law, which guarantees the accused the right to a full defense. In order to deal with this problem, which jeopardized his objective to have the Chamber of Deputies approve the impeachment by nominal public vote before the municipal elections set for 3 October, the Chamber of Deputies president chose to arbitrarily issue a third law applicable only to the case of the defendant.

34. Although the plaintiff is confident that his thesis will be accepted by the STF during its session on 23 September, he feels that it is also appropriate to submit said thesis for the consideration of the illustrious Special Committee, which may, on its own, correct the procedure in keeping with legal principles to make sure that its formal validity is not jeopardized.

35. It is constitutionally proper for the president of the nation to be accused of common crimes and malfeasance in office.

36. In the first case, it is up to the STF to proceed against and adjudicate the accused in the original jurisdiction, in keeping with Article 102, Paragraph I, Section B.

"For criminal offenses, the president of the Republic, the vice president, members of the national Congress, its own ministers, and the attorney general of the Republic."

37. Concerning the crime of malfeasance in office, the appropriate constitutional rule is that set forth in Article 52, Paragraph I which gives the federal Senate sole authority:

"To proceed against and try the president and vice president of the Republic for abuses of power, proceed against and try the ministers of state for crimes of the same nature thereto related."

38. It would be, however, totally incomprehensible if the representatives of the Brazilian people had no role to play in these proceedings that could have extremely serious political consequences to the point of involving a suspension of the chief of state and of government and the loss of the mandate for which he has been elected. The 1988 Constituent Assembly was not about to make such a crass mistake. Thus, it entrusted the Chamber of Deputies with an important political mission by giving it sole authority to extend the indispensable and prior authorization for trying the president of the Republic for both common crimes and malfeasance in office, in keeping with Article 51 which states:

The Chamber of Deputies has sole authority to do the following:

I. Authorize, by a vote of two-thirds of its members, the institution of proceedings against the president or vice president of the Republic and the ministers of state....

39. Whereas the aforementioned article does not apply specifically to any of the two counts—common crime or crime of malfeasance in office—one is bound to conclude that it applies to both. This means that a Chamber of Deputies authorization is needed to proceed against the president of the Republic on any count.

Thus, since the advent of the current constitution, the Chamber of Deputies can no longer perform the functions of an indictment court in a case of impeachment, as was the case under the prior constitution, which assigned the role of trial court to the Senate. (In fact, under the abrogated constitution, the Chamber of Deputies had sole authority to indict the president and the ministers of state by two-thirds of its members—Article 40, Paragraph I—and the federal Senate could only try the president of the Republic for malfeasance in office and the ministers of state for crimes of the same nature thereto related—Article 42, Paragraph I.)

41. The introductory paragraph of Article 86 of the 1988 national Constitution—which states: "If the president of the Republic has been formally charged by two-thirds of the Chamber of Deputies, he will be tried before the STF for common criminal offenses or before the federal Senate for crimes of malfeasance in office—must be interpreted as the authorization to start proceedings only if the interpreter takes into account, as he should, the framework of which the aforementioned Article 86 is part; that is, if the aforementioned article is interpreted in conjunction with Articles 51, 52, and 102 of the Constitution that grant the Chamber of Deputies the power to authorize proceedings against the president of the Republic (Article 51, Paragraph I); the Senate to proceed against and try the president for malfeasance in office; and the STF to proceed against and try him for common crimes (Article 102, Paragraph I, Section B).

42. It is, therefore, beyond any doubt that the Constitution in force has changed on the subject of malfeasance trials by assigning to the federal Senate the proceedings against and the trying of the accused, just as it has entrusted the STF with proceeding against and trying the president for common criminal offenses. The Chamber of Deputies's role in both cases is to authorize the proceedings by two-thirds of its members. The quorum that has been established clearly reveals the essentially political nature of this congressional debate and the significance of the Chamber of Deputies' role in the process of impeachment, which could never be launched without the authorization of the overwhelming two-thirds majority. This authorization is, therefore, the essential precondition for proceedings against the president of the Republic either for common crimes or malfeasance in office. Without prior authorization, no proceedings can be instituted (that is, be launched) against the president of the Republic, not even impeachment proceedings.

43. The Chamber of Deputies has acknowledged that prior authorization by two-thirds of the chamber's members is required for the two kinds of proceedings (common crimes and malfeasance in office) by establishing in its internal regulations—drafted under the umbrella of the 1988 Constitution and approved by Resolution No. 17 in 1987—the cases in which a secret vote applies, as set forth in its Article 188. The list includes the one that refers to the case on hand:

II. Authorization to institute proceedings for common crimes and malfeasance in office against the president, vice president, and ministers of state.

44. This regulation is undoubtedly the .....[as published] because when providing for an authorization to initiate proceedings against the president of the Republic (Article 51, Paragraph I) the Constitution does not specify whether the voting should be secret or public, which is why this issue had been left up to the regulations and was effectively dealt with in Articles 217 and 188, Paragraph II of the Chamber of Deputies' internal regulations.

45. There is no information about any objections to the implementation of the aforementioned regulations in the case of common crimes, but only in the case of malfeasance in office. The regulations applicable to these cases should be handled through a special law, not through internal regulations, as set forth in Article 85 of the Constitution, which outlines the guidelines for handling malfeasance in office by stating in its sole paragraph:

"Said crimes shall be defined in special law, which will establish the rules under which they are to be tried and judged."

46. On the basis of this provision and taking into account that the laws it calls for have not been issued yet, the expert opinion of the attorney general of the Republic on whether Law No. 1079 of 10 April 1950 should be accepted, is upheld at least as far as those provisions compatible with the 1988 Constitution, specifically Articles 22 and 23, which, in dealing with the now abrogated indictment role of the Chamber of Deputies, mention a nominal vote. (Let us say, by the way, that the concept of a nominal vote does not clash with the concept of secret vote, nor are the two incompatible.)

47. In any case, the *vexata quaestio* of acceptance of Law No. 1079/50 undoubtedly will have to be studied and resolved in the course of any future impeachment process the federal Senate may institute against the president of the nation. Considering, however, that no proceedings for common crimes or malfeasance may be instituted until after the Chamber of Deputies has granted previous authorization by two-thirds of its members, it is obvious that at this point there can be no impeachment process no matter how eminent or learned its advocates or lawyers may be.

48. If by secret vote of two-thirds of its members the Chamber of Deputies (Federal Constitution, Article 51, Paragraph I, and Chamber of Deputies internal regulations, Article 188, Paragraph II) were to authorize the initiation of impeachment proceedings, which it has obviously not done yet, the proceedings may be instituted if it is understood that the substantive law provisions contained in Law No. 1079/50 have been totally or partially accepted. Until the chamber authorizes the proceedings against the president of the Republic—be it for alleged malfeasance or presumed common crime—the law does not provide for any disciplinary measures against him.

49. *Si et in quantum*, the entire problem hinges on the implementation of Article 51, Paragraph I of the Constitution and Article 188, Paragraph II of the internal regulations, according to which without the prior and indispensable authorization by secret vote of two-thirds of the Chamber of Deputies, the impeachment process is not legally feasible; that is, there is not, nor can there be, any impeachment process, but rather a simple attempt at instituting one.

50. It would not have been surprising if a political decision of such serious consequences, as is the authorization to start any kind of proceedings against a chief of state or government, had been made through the basic right to a secret vote, which allows the legislator to vote according to his own conscience, which is the spirit of the representative mandate of our juridical tradition.

51. The issues discussed herein have been brought before our best legal advisers among whom, it is not surprising, the sound doctrine we have just summarized prevails.

52. Therefore, it is right to recall the concise and exact theory of the erudite and honorable professor Raul Machado Horta, from Minas Gerais, who in response to consultations summarized his opinion on the subject in the following words:

"The Chamber of Deputies' sole authority to authorize, by a vote of two-thirds of its members, the institution of proceedings against the president of the Republic includes proceedings for the crime of malfeasance in office and common criminal offenses." (Constitution of the Republic, Article 51, Paragraph I)

"The Chamber of Deputies' session to institute proceedings against the president of the Republic for common criminal offenses or malfeasance in office should have been done through a secret vote." (Chamber of Deputies' internal regulations, Article 188, Paragraph II)

53. It is also right to recall some passages of the brilliant comment made by the same constitutionalist, *verbis*:

"The Constitution of the Republic, in its Article 51, Paragraph I grants the Chamber of Deputies the sole authority to "authorize, by a vote of two-thirds of its members, the institution of proceedings against the president and vice president of the Republic and the ministers of state."

The aforementioned clause of Article 51 does not specify the proceedings, restricting them to proceedings for the crime of malfeasance in office or common criminal offenses. Therefore, the scope of the phrase cannot be restricted in order to add words that do not exist in the Constitution's text. The article of the Constitution adjusts to the authority exercised by the Chamber of Deputies in the proceedings for malfeasance in office or common criminal offenses until the conclusion is reached in the process for filing charges, which will be followed by the trial before the STF for common criminal offenses or before the federal Senate for malfeasance in office. (Constitution of the Republic, Article 86)

It is the Chamber of Deputies' exclusive power to authorize by a vote of two-thirds of its members the institution of proceedings when charges of malfeasance in office or common criminal offenses are filed against the president of the Republic, the vice president, or ministers of state.

The Chamber of Deputies' sole authority to authorize the institution of proceedings by a vote of two-thirds of its members, as established in Article 51, Clause I, of the federal Constitution, changes in the text of the 1988 Constitution. The 1891, 1946, and 1967 federal Constitutions, as well as the 1937 Constitution and constitutional Amendment No. 1 dated 1969, in fact, do not refer to the Chamber of Deputies' sole authority to authorize the institution of the process, as the 1988 Constitution does in an innovative provision that requires the qualified authorization of two-thirds of the Chamber of Deputies' members to institute; that is, the initiation, the beginning, the starting, the opening, the institution of the process.

Law No. 1079, dated 10 April 1959, which classifies the crimes of malfeasance in office and regulates the respective proceeding, provides for a nominal vote (Article 23) to decide whether or not the charges merit deliberation.

"The Chamber of Deputies' internal regulations (Resolution No. 17 of 1989) calls for a secret vote to authorize the institution of proceedings for charges of common criminal offenses or malfeasance in office against the president of the Republic, the vice president, and the state ministers (Article 188, Paragraph II). Based on constitutional provisions that are not provided for in the special law, the Chamber of Deputies must authorize the institution of proceedings (Article 51, Paragraph I) or accept the charges (Article 86) through a secret vote."

54. Manoel Goncalves Ferreira Filho, another outstanding expert on constitutional law, after exhaustive research on the subject, also upheld the need for a secret vote and the need for a quorum of two-thirds of the Chamber of Deputies' members to authorize the institution of impeachment proceedings. The following is the concluding paragraph of his excellent viewpoint:

"Based on the aforementioned premises, the queries now can be answered.

"The first one:

"The Chamber of Deputies' authorization, mentioned in Article 51, Clause I, of the federal Constitution, is required for any proceedings against the president of the Republic. Does it, therefore, include the crime of malfeasance in office?"

Yes, for the reasons aforementioned in detail (see No. 20). In sum, it should be reiterated that this stems from the same reason: the need for a preliminary assessment, so-called "political," by the Chamber of Deputies under the terms included in No. 7 (see *supra*).

Minister Paulo Brossard, in his successful vote on Criminal Law No. 427-8-DF, in this regard recalls the teaching of the great Rui Barbosa, who was certainly not suspected of political subordination:

"Many times, even recognizing the existence of faults, mistakes, and the violation of laws, Congress will have to withdraw in view of the consequences that bringing the chief of state to the defendant's bench will have. *(ob. cic., loc, cit.)*

To the second question we answer the following:

"Should the cases included in Article 51, clause I, and Article 86 of the Federal Constitution regarding the Chamber of Deputies sessions on instituting proceedings against the President be interpreted that the deputies should cast a nominal or a secret vote?"

By the way, it must be mentioned that Law No. 1079/50, in the opening clauses of Articles 22 and 23, clearly demands "a nominal vote" during the sessions of proceedings against the president. It is true that the STF's decision, in Injunction 20,941-4, under the coordination of Minister Aldir Passarinho, states that these precepts are unacceptable because they are not included in the current Constitution.

But the regulation of the Chamber of Deputies clearly establishes "a secret voting system" to authorize the institution of proceedings against the president."

55. This position does not differ from another well-grounded opinion issued by eminent Professor Jose Alfredo de Oliveira Barracho, who also states:

"In accordance with what has already been stated, the authorization issued by the Chamber of Deputies, alluded to in Article 51, Clause I, of the Federal Constitution, is required to institute any proceedings against the president, and thus it is also applicable to malfeasance in office. A two-thirds vote of the Chamber of Deputies is mandatory in any procedural matter. Therefore, it implies it is also applicable in a case of malfeasance in office."

56. Although it is possible to continue to cite other jurists, the defendant will not continue to do so for the sake of brevity and because the precepts that have been transcribed offer sufficient support for this case.

57. The extent of the decision issued on 9 February 1990 by the illustrious STF included in Injunction No. 20,941, under the original coordination of eminent Minister Aldir Passarinho, has been thoroughly discussed by jurists, and also by the press.

58. The illustrious senators who petitioned this injunction intended to compel the president of the Chamber of Deputies to file the impeachment request against the eminent President Jose Sarney, and to proceed with the case in compliance with Law No. 1079/50.

59. In compliance with a recent decision adopted in a plenum session, the High Court did not accept the juridical basis upheld by the eminent Ministers Aldir Passarinho, Celio Boja, and Carlos Madeira, regarding the revocation of Law No. 1079/50 by the 1988 Constitution—as was established in the first amendment drafted by the original coordinator—therefore, this juridical basis cannot apply to the conclusions of the majority vote of this court, which dismissed the issue of security for other more specific reasons.

60. Whatever the case, the new amendment redrafted by eminent Minister Sepulveda Pertence, who was appointed coordinator by the big agreement [acordao], which has just been published, neither ratifies the revocation of Law No. 1079/50 nor establishes its eventual acceptance, much less, then, does it allude to the voting procedure for impeachment. Therefore, the merit of this court ruling on this issue is that the celebrated votes issued by distinguished Ministers Aldir Passarinho, Celio Borja, and Carlos Madeira rejected, of course, the

plan to approve Law No. 1079/50, and they have not been unauthorized on this point by the majority of this illustrious Plenum.

61. Notwithstanding, the theories now upheld continue to enjoy the open support of the Supreme Court because there is another clear court ruling which proves to society that it is authorized by Article 51, Paragraph I of the Constitution, which amends the text of the 1988 Constitution that substantially modifies the jurisdiction of the Chamber of Deputies in the impeachment process, and which establishes that this prior authorization is an indispensable procedure for malfeasance in office and for common crimes (contrary to what is suggested in the reports and position of the illustrious Attorney General's Office, there is no reason to distinguish between these two theories of authorization, because neither one nor the other calls for the Chamber of Deputies to issue a political ruling authorizing or unauthorizing an eventual proceeding against the Chief of State).

62. The defendant refers to the rulings adopted in sessions held on 13 September 1089, 1 February 1990, and 14 March 1990 on the issue submitted by eminent Minister Moreira Alves regarding complaint No. 427-8 on a trial against a Cabinet member charged with a common crime which was not to be eventually related to the president of the Republic.

63. Although *a ratio decidenci* on the need for a prior authorization by the Chamber of Deputies because there was no connection with the crime with which the president of the Republic has been charged, it has been clearly etablished that if there was a connection with the president, the proceedings for a common crime or malfeasance in office will depend on the procedure adopted to implement the authorization of the Chamber of Deputies by two-thirds of its members.

64. The defense is pleased to quote some excerpts of the landmark votes in support of the general aspects of the thesis defended herein.

65. In a vote delivered with his usual proficiency, eminent Justice Moreira Alves cited Articles 51, 52, and 86 of the Constitution to clarify the innovations made in the 1988 Constitution by emphasizing the major changes introduced into the system, starting precisely with the fact that "its former role issuing an indictment has been replaced by that of giving an authorization to institute proceedings against the president or a cabinet minister." Moreira Alves then adds that, in keeping with the current legal provisions, "after the Chamber of Deputies has admitted an accusation, the case will be submitted for trial to the STF concerning common crimes; and to the Federal Senate, concerning malfeasance in office. It is not made clear, however, if trial proceedings will be conducted before these two bodies."

66. Reflecting on the justifying reasons of the requirement to prosecute the President of the Republic, eminent Justice Moreira Alves stated:

"In effect, the requirement to prosecute the President of the Republic (either the statement on the source of the charge, or the authorization for the proceeding and trial for any kind of crime), is justified because of the nature of the duty he is fulfilling, and the repercussion of the fulfillment of this requirement; or the suspension of his duties, which under the system prevailing in 1969, was inmediately implemented, and now it only depends on the acknowledgement of the denunciation or the crime charge by the STF, or the institution of the process by the Senate."

A cabinet minister, who is not an elected official, can be dismissed (and consequently replaced), *ad nutum*. Therefore, there is no reason for him to have this sort of guarantee, except in those cases in which he is dragged into a process or trial along with the President of the Republic (connected crimes).

This is why our constitutional tradition has never extended to the Cabinet ministers the requirements set aside for prosecuting the president of the Republic before the Senate or the STF when the accusation was presented as an indictment by the Chamber of Deputies, which is the political instrument.

67. Based on these considerations, Moreira Alves rejects the need for an authorization to process a minister just because there is no link with a crime attributed to the president of the Republic, *verbis*:

"In light of this, I reject the need for a prior authorization by the Chamber of Deputies to institute proceedings on this criminal charge, because, based on the systematic interpretation of the Constitution, the requirement for prosecuting a Cabinet minister mentioned in Article 51, Paragraph I is limited to common crimes and malfeasance in office linked to those of the same nature for which the President of the Republic is charged."

68. The illustrious Celso de Mello issued a minority vote, together with the illustrious Celio Borja, because he demanded a prior authorization even for crimes not linked to those for which the president of the Republic was charged, as will, in fact, be sustained by the viewpoint of the illustrious Attorney General Aristides Junqueira Alvarenga. Illustrious Justice Celso de Mello clearly explained the issue concerning the problem being discussed:

"The process of holding the president of the Republic responsible for penal crimes (common crimes) or political-administrative crimes (malfeasance in office) is always instituted before the Chamber of Deputies, which has the sole authority to decide by a two-thirds vote of its members the admissibility of the charges, thus authorizing the institution of proceedings against the chief executive of the Federal Government." (Federal Constitution Article 51, Paragraph I).

"The Constitution grants the Chamber of Deputies, with the exception of any other State organ, regardless of the

nature of the charges brought against the president of the Republic, the authority to decide whether the charges are triable.

"Congress, through one of its houses, can thus decide on the admissibility of the charges filed against the president of the Republic, be they common crimes, or malfeasance in office....

"Therefore, according to the law currently in force (1988 Federal Constitution, Article 86), the president of the Republic, after the Chamber of Deputies has authorized the institution of proceedings (penal proceedings or impeachment) by a two-thirds vote of its members, will be suject to trial, a) for common crimes by the STF, and b) for malfeasance in office by the Federal Senate."

69. After noting that the Chamber of Deputies' authorization represents an "eminently political congressional decision," it demands these same procedural requirements exist also for proceedings regarding crimes committed by a minister of state, even when they are not linked to those committed by the president of the Republic. Herewith is a passage of his illustrious vote:

"The authorization is an objective procedural requirement, which will determine the validity and future development of the process. It is a basic requirement for establishing the admissibility of criminal proceedings. Without a prior authorization, it will be unfair to start criminal proceedings to sentence a cabinet minister."

The above constitutional provision has established a prerogative by reason of their office in favor of cabinet ministers likely to face a criminal sentence. This prerogative will be granted *ratione numeris*.

The prerogative entails the possibility of declaring a formal immunity, which is designed to protect public interests and which is characterized by precluding a trial of the cabinet minister, except when the Chamber of Deputies has authorized the trial by a two-thirds vote, or if it has *ex officio* stripped the minister of the immunity stemming from his office.

The greater significance attached to this ministerial prerogative in the new constitution reflects the will of the Constituent Assembly which, by conditioning "the institution of proceedings against... Cabinet ministers" (Federal Constitution, Article 51, Paragraph I) to the Chamber of Deputies' prior authorization, conveyed the specific and conscientious option that prevailed at that particular historical moment in which the new Brazilian Constitution was promulgated.

Intentionally generic wording was used to write the constitutional clause to cover also the penal trial against the Cabinet ministers, when common crimes are attributed to them.

"The intention of the Constituent Assembly member, which was objectively confirmed in the constitutional rule being discussed, is reasserted by an extremely recent decision reached by the Chamber of Deputies which, when approving Resolution Bill Number 54-C in December 1989, emphasized the chapter regulating the legislative proceeding authorizing the opening of the criminal trial—on common crime charges—against a Cabinet Minister."

70. He then moved on to the overall reproduction of the text, which at the time was extremely recent, of Article 217 of the Chamber of Deputies Internal Regulations, and summarized his ideas in the following judicious words:

"Therefore, Mr. President, I reiterate the note pointing out that Article 51, Paragraph I of the new Constitution broadly instituted a new formal sort of immunity establishing that the political agents referred to in it may not be tried: The president of the Republic, the vice president of the Republic, and the Cabinet ministers.

Please notice that the rule inscribed in the aforementioned constitutional precept, which is of a generic nature, refers to the need for a prior authorization by the Chamber of Deputies to open a trial—any sort of trial—for common penal crimes or malfeasance in office, attributed to the highest officials of the executive branch."

71. Eminent Justice Sepulveda Pertence, in whose wise vote he also admitted that the constitutional system in force "exchanged the previous requisite of that political expression for the new requisite calling for permission to file lawsuits," although not demanded in the case of ministers' crimes which are not linked to those of the President of the Republic, added:

"This authorization for the impeachment process makes sense and, therefore, is widely used in compared law in reference to the congressmen through the long-enduring recourse of a process immunity, or when it refers to the President of the Republic—either because he is the chief of state or head of the executive branch—and mainly because, once the process is open, it would result in the exceedingly serious consequence of suspending the exercise of his extremely high functions."

72. Eminent Justice Paulo Brossard, to whom everyone attributes the title of notable monographist of the impeachment, even criticized the decision to increase the quorum and, using historic examples, emphasized that it is very difficult to file a lawsuit against the president of the Republic. He acquiesced, however, to the constitutional text and justified it with these appropriate expressions:

"If the right to file charges against the chief of state is attributed to any person—a responsible citizen, a skunk, or a figurehead with non-confessable interests—it is natural that the legislator sought to protect the Presidency of the Republic by conditioning the opening of the process to the Chamber of Deputies' approval, because it represents the country. This is particularly so, because

when the charges are filed or the opening of the impeachment process is authorized, the president of the Republic is automatically dismissed from office for 180 days—Article 86 Paragraph 2."

If reason is to be given to Seabra Fagundes, for whom: [as published]

"Despite its eminently political character, the impeachment is a real trial, with an investigation of facts (crime), sentencing or acquittal, and the irrevocability of effects (adjudged matter)." The Jurisdictional Control of Administrative Acts, No. 67, p 157.

Chief Justice Chase's words to the U.S. Senate when Lincoln's successor was being tried must be recalled:

"That when the Senate sits for the trial of an impeachment, it sits as a Court, seems unquestionable." (American Law Review, 1867-1868, Vol. 2, page 536) [preceding paragraph in English]

It must be admitted that there will always be, or hardly ever fail to be, an amount of discretionary power in the Chamber of Deputies' decision. Rui Barbosa, jurisconsult and statesman, once wrote:

"Often, although admitting the existence of faults, mistakes, and violation of laws, Congress will have to put the chief of state on the defendant's bench." (Complete Works, V/XXV, Paragraph VI, p 109)

Without supporting the extremely high quorum currently in use, which makes it practically unfeasable to file any sort of lawsuit against the president, it must be admitted that it is necessary to create a mechanism to filter the irresponsible initiatives of certain fake representatives of the people."

73. To conclude the commentaries on the STF decision, reference is made to the teachings of eminent Judge Celio Borja about the interpretation of Number I of Article 51 of the Constitution. After emphasizing that this Article provides for "a decision based merely on opportunity and advantage," and that "it cannot be appealed before any other court," he compared the voting mechanism of the previous and the current systems by saying:

"I point out the essential difference between the Chamber of Deputies' authorization for the process—which Paragraph I of Article 51 of the Constitution refers to as a procedural or implementation condition—and the declaration of applicability of the charges, which is made when the process has already begun. The declaration of applicability of the charges also calls for a trial and for the enforcement of the right to deny charges; it guarantees broad defense to the accused party; and it involves a true *judicium accusationis*, with the consequent suspension of the exercise of the function (see Articles 19 to 23 of Law 1079/50).

"At that first stage, the Chamber of Deputies was first asked to state whether the charge should be subject to deliberation. To this end, a Special Commission studied the subject (Article 20 of Law 1079/50). After the Chamber of Deputies—through the open vote system—accepted the charge for consideration, the accused party was notified in order to answer it, and the presentation of evidence was allowed (Article 22, Law 1079/50). Only then did the plenary session decide on the applicability of the charge.

"Consequently, it can be seen that one should not confuse the Deputies' free will to declare the applicability of the charge, and the Chamber's discriminatory authorization as a simple condition for judicial applicability, which is set forth in Article 51, Paragraph I, of the Constitution approved on 5 October."

74. In summary, the authorization to prosecute the president of the Republic, either for common crimes or malfeasance in office, should be decided only under the terms of Article 51, Paragraph I of the Constitution, and of the Chamber of Deputies' Internal Regulations (Articles 217 and 1188, Paragraph II). Consequently, there is no other alternative than to conclude that such authorization should be granted by two-thirds of the Chamber of Deputies, in a secret vote, after complying with the formalities set forth in the previously cited Article 217.

75. It could be maintained that Article 218 of the Internal Regulations, which was mentioned in the initial decision of the illustrious president of the Chamber of Deputies, and which states that "the trials of the president, the vice president, and the ministers on malfeasance charges will be implemented in keeping with the existing special laws," would invalidate the reasoning thus far developed. This claim, however, is untrue.

76. First, because such disposition is totally idle, because under current laws, the Chamber of Deputies may only authorize initiation of an impeachment process on charges of malfeasance or common crimes. After the initiation of the process, the Chamber may not interfere with the process, which should be developed at the Federal Senate. This is identical to what happens after the initiation of common trials before the STF. In fact, Article 218 is nothing but the result of legislative carelessness, which can be understood because of the long-standing implementation of the previous system, which gave the Chamber the role of a decisionmaking tribunal in the impeachment process.

77. If Article 218 were considered simply as a reinstatement of the terms of Law No. 1079/50, independent of whether they were repealed by the 1988 Constitution—as was advocated by eminent Judge Sepulveda Pertence in his vote in court injunction 20,941—two conclusions would inevitably follow:

a) The president of the Chamber of Deputies may not fail to give the defendant a 20-day term and a term for presentation of evidence, which are provided for in Article 22 of Law No. 1079/50; and

b) The voting system should be secret—contrary to what was maintained by the STF—because if the Internal Regulations could by itself reinstate the terms of Law No. 1079/50 just because Article 218 includes its text, such Regulations would also be able to institute the secret scrutiny system for voting on the authorization for the impeachment process, as is specifically stated in Paragraph II of Article 188, which is a norm that covers both common and malfeasance crimes.

78. If the thesis that the 1988 Constitution validates Law 1079/50 had been adopted, as the illustrious Chamber president seems to have initially admitted, he could not have curtailed the defense of the accused party, reducing the term for his defense and eliminating the possibility of presenting evidence, as is guaranteed by the above-mentioned Article 22 of that law. (This norm of Article 22 was the only one in Law No. 1079/50 that the STF did not consider as included in the 1988 Constitution, as is shown by the text of Paragraph 21 of the information presented to the STF. Was perhaps this rejection prompted only by the fact that it granted 20 days for the defense and also the possibility of presenting the evidence with which the accused party may prove the truthfulness of his allegation?)

79. Finally, since the authorization to prosecute the president of the Republic—whether for common crimes or malfeasance—which is described in Article 51, Paragraph I is just one single thing, the standards that Article 217 set forth in a merely formal way—only for common infractions—should also apply to malfeasance crimes, based on either analogy or even on the force of understanding. In the latter case, it was not possible to curtail the defendant's right to present a written defense in 10 sessions of the Constitution and Justice Committee, and his right to present his evidence (Article 217, Paragraph I, Clauses I to III). When the STF studied the request for injunction, it used the criterion of analogy to order the defense term provided for in Article 217 of the Regulations of the Chamber of Deputies. This proves, at least implicitly, that the STF had already decided the enforcement of such Regulations also for authorizing the impeachment process. If the STF did not go any further than this point in its preliminary decision, it is because it avoided making a resolution on the validity of the request for impeachment, something which anyway the court could not do. Everything indicates, however, that in a future consideration of the case, the STF will agree to the solution advocated by the defendant, that is, full enforcement of the Regulations' method (Articles 217 and 188, Paragraph II).

80. Consequently, whatever the case, the situation of the defendant—as far as the exercise of his defense is concerned—would be more favorable than under the conditions arbitrarily set under the rules that the illustrious president of the Chamber of Deputies deemed possible to establish, in order to illegitimately join haste and the open voting system—or rather—to illegitimately join a summary trial and the voters' subordination to the pressure that may affect their freedom of conscience.

81. The Chamber of Deputies will suspend the powers of any of its members, or authorize criminal trials against them, but only through secret vote. Why should the president of the Republic be removed from his important functions through the open vote system, which does not give voters even the essential freedom of judgment? It is even more unacceptable that the open voting system should be imposed against the Constitution and the Internal Regulations, only to satisfy the claims of organized groups that seek to reach power to the detriment of the law.

VII. Alleged Unconstitutional Nature of Number II of Article 188, Paragraph II

82. The illustrious Chamber president, who defended an untenable fact that was spearheaded by the request for a court injunction, maintained that Article 188, Paragraph II of the Internal Regulations is unconstitutional. This part of Article 188 orders the secret vote system whenever the Chamber is asked to deliberate on the authorization for a process. The Constitution's general rule is the open nominal vote, with the only exceptions being those established in the constitutional text. On the other hand, the single paragraph of Article 85 of the Constitution places the matter under the special laws, which in this case should be Law No. 1079/50, whose Article 23—which provides for the open vote system—should prevail over the Internal Regulations. Article 85 sets forth that even the special norm of the Internal Regulations (Article 188, Paragraph II) should be invalidated by the general norm of the same Regulations (Article 188, Paragraph I).

83. The inconsistency of that multiple argumentation proves that it is totally incongruous and that, for this reason, it should be rejected.

84. First, the Constitution does not provide for any general rule on the open voting system. The general rule appears in Article 47 on quorums, which sets forth: "Except for dispositions to the contrary, the deliberations of each House of Congress and their Committees will be decided by a majority, provided an absolute majority of members is present." This rule does not apply now, precisely because the current case is one of the exceptions listed in the text. (See Article 51, Paragraph I which refers to the two-thirds quorum.)

85. While in some cases the Constitution establishes the secret vote system; for example, in Paragraph 2, Article 55 which refers to the loss of congressional powers and calls for a secret vote in the cases described under Numbers I, II, and VI of the same article—in other cases no reference is made to the vote system, and the secret vote is imposed only under the terms of the Internal Regulations—*verbi gratia*, the authorization to prosecute a lawmaker for common crimes or the suspension of congressional immunity during the state of siege. (Paragraphs 1 and 7 of Article 53) do not call for a secret vote, except in the Internal Regulations (Article 188, No. I, Paragraph 1, and Article 123)

86. The norms of the Regulations, which expand lawmakers' powers, are not unconstitutional. Neither are those which throughout the decade have imposed the secret vote to admit or authorize an impeachment process against the president of the Republic. (Paragraph 2 of Article 162 of Resolution No. 71/62 on the constitutional regime of 1946, when Law No. 1079/50 was in full force. This shows that the open vote system does not oppose the secret vote, as there can be an open vote and secret nominal vote; this last type of vote is implemented through the electronic system or through cards; Resolution No. 30/72, line C of Paragraph 1 of Article 182, for the consolidation of texts done in 1972, 1983, or 1985)

87. The single paragraph of Article 85 of the Constitution has nothing to do with the authorization that is being considered, because, as has already been stated, the point does not yet deal with the impeachment process, but with the authorization to initiate it, a procedure that is also compulsory for initiating a process for a common crime.

88. On the other hand, the norm in No. I of Article 186 of the Internal Regulations, which advises the nominal vote "in cases in which the special quorum is requested," is the general norm. This norm has no discrepancies with the specific norm of the same article, which imposes the secret scrutiny vote in case of "authorization for initiation of the process against the president of the Republic for common penal infractions or malfeasance crimes." (No. II, Article 188)

89. It is appropriate to point out here that the traditional secret vote norm is wise, because "only the secret vote protects those who are judging from public pressure, or pressure from the powerful in government and in the parties," as Luiz Alberto Bahia recently wrote in an article published in FOLHA DE SAO PAULO. In their eagerness to oust the president of the Republic, parties have already claimed that they will expel from their ranks those lawmakers who vote against the impeachment, as if the abominable principle of party loyalty were still in force among us. The country could be democratized only after the STF ruled that the party loyalty principle could not apply to the vote in the electoral college that elected the Tancredo Neves-Jose Sarney ticket in 1984.

90. On the other hand, the media have repeatedly reported about street demonstrations sponsored by those who oppose the president, ranging from the usual agitators and demagogues to powerful state governors, who intend to pressure deputies to vote according to their own mandates, under the threat of causing electoral disadvantages for them on 3 October 1992 in the municipal elections.

91. If a simple routine legal action can be annulled by the vice of coercion, why should we permit the serious political decision to submit the president of the Republic to a malfeasance trial to be the result of coercion exerted by groups that pressure lawmakers?

92. Even if norms did not impose the secret vote—as they do in this case—even in that case, it would be necessary to impose the secret vote in order to preserve the freedom of lawmakers, who in our society are not subject to an imaginary imperative mandate from their voters. In representative democracy, in which we live, the vote should be cast in keeping with the lawmaker's consciences, which cannot legitimately express themselves under the pressure of coercion, and much less under the pressure that has been announced by those who oppose the president of the Republic, who have even mentioned a general strike and the displacement of crowds to Brasilia.

93. Neither the Special Commission nor the Chamber of Deputies should tolerate that the madness of the adversaries disturb the lawmakers' vote, or that the announced coercion eliminate their freedom. Only the secret vote can protect lawmakers from such coercion.

94. Opposition members have made the false charge that the government is dispensing favors in exchange for lawmakers' votes. Not even those who pressed the charge believe in what they are saying, because if they did they would be striving for the secret vote, which would protect even the alleged beneficiaries of the favors.

95. Summing up, the secret vote which the Internal Regulations demand is absolutely essential for a free judgment of the president of the Republic, a judgment which will soon be made through lawmakers' votes. Without that freedom, there will be no judgment but a simulated judgment, under coercion.

96. In order to finish with this topic, and in addition to the above opinion, the defendant hereby reproduces this important lesson, which the illustrious Professor Raul Machado Horta has just released. The following is the significant warning of the Minas Gerais master:

"The secret vote, which is a political right of citizens, was introduced into congressional laws through the Internal Regulations of the houses of Congress, in order to give some deliberations the protection of secrecy and to guarantee the independence of representatives. The implementation of secret vote deliberations stems from the reasonable discretionary power enjoyed by Congress in the exercise of its own regulatory self control. Many deliberations are made with the open vote system in symbolic or nominal processes. Yet there are deliberations that are restricted and that, according to the Internal Regulations, should be made with a secret vote. Political experience shows the type of deliberation that should be made through the secret vote system. In general, they are deliberations which, if performed with the nominal vote system, would be exposed to the pressure and constriction stemming from congressional life or coming from the outside, either through the government or through urban demonstrations. Political absolutism, in whatever form—Caesarism, fascism, or populist messianism—has always eliminated the secret vote. In fact, it prefers the acclamation of extended arms

and the plebiscite votes which place the nation in the framework of the single-party, totalitarian system. As a bright contemporary publicist put it, acclamation kills democracy."

VIII. The CPI Report

97. The charge is based exclusively on the final CPI report, drawn up by the illustrious Senator Amir Lando, and which the accusing party regards as a sound support for the serious charge pressed against the defendant.

98. Careful reading of this document reveals that it is filled with hasty conclusions and biased assertions, which will certainly be proven false when submitted to the sieve of the right to deny charges before the judicial branch, where there is no political party passion, electoral interest, or scandalous dossiers.

99. Senator Amir Lando, who drew up the report with the cooperation of efficient assistants in various public offices, has already begun to admit to his own mistakes. Even though he stated in the report that a lawmaker reportedly received $1.3 million from "phantoms" Manoel Dantas Araujo and Flavio Mauricio Ramos, Lando one week later addressed the following letter to the incumbent, denying the slanderous assertion included in his report, *verbis*:

"Your Excellency
"Federal Deputy Paulo Octavio
"Office No 645, Chamber of Deputies

"As was requested by Your Excellency, and reviewing the work done by the CPI looking into the charges pressed against Mr. Paulo Cesar Farias, which I have described, I have confirmed that at no time has any suspicious or discrediting action been detected involving Your Excellency. Neither has any payment been confirmed to Deputy Paulo Octavio, through phantom checks or accounts. Consequently the assertion in the last paragraph of sheet 263 of the Final Report does not reflect the investigated fact. This assertion was included exclusively because of the amount of arduous work that had been done by this coordinator, of the complexity of facts, and of the little available time.

"Truly,
"[Signed] Senator Amir Lando"

100. If the author of the report himself helped question the report's reliability and credibility, the well-grounded dissident vote of the illustrious Senator Odacir Soares destroyed any testimonial value of that document, making it clear that there was no serious reason to involve the person, the name, or the honor of the president of the Republic in the facts that the CPI should have investigated.

101. In his dissident vote the eminent Senator Odacir Soares, in his capacity as a full member of the CPI, stated that the report "is a visibly distorted document, full of errors and lies, based on false premises and questionable legal interpretations." As for the CPI itself, Senator Soares' opinion was not favorable either, because even though it was created to investigate "a specific fact"; that is, "constant indications from the interviews granted by Pedro Collor de Mello, that were published at the end of May," the CPI rapidly showed its real objetive, "which rather than to investigate facts was to become an electoral stage and an instrument for an obvious struggle for power."

102. "The CPI's target," Saores continued, "was never Paulo Cesar Cavalcante Farias. The objective of those who assumed the power of the CPI and of its final report, and who supported and gave shape to the final text drawn up by the CPI coordinator, was to hit the president of the Republic, harm his honor, disturb his political and administrative work, undermine his authority, and—through such dubious methods—to paralyze the process of opening, modernization, and socioeconomic development which, with the support of 35 million votes, Fernando Collor de Mello began to implement without hesitation, from the very beginning."

103. Considering the alleged involvement of the president of the Republic in the serious facts that the CPI investigated for the country, his excellency categorically denied such involvement with the following words, which have deeply satisfied the defendant, against whom clumsy offenses have been aimed over the past few months:

"The president was not hit. The CPI coordinator's circumlocution was not sufficiently creative to produce concrete facts out of abstract, polished statements. This language could not even disguise or conceal the illegal and disorderly way in which CPI members engaged in a useless witch hunt, whose concrete dividends were summarized in the headlines of the following days, or in the carefully orchestrated 'clips' that were prepared for propaganda purposes during the 'free electoral space' that has been granted before the municipal elections of 3 October.

"The president was not hit. Throughout this period his excellency adopted clean attitudes in which he always favored clarification of facts, the search for truth, and punishment of those responsible. This is what made him address a message to the ministers of economy and justice at the beginning of May, ordering the participation of the Federal Police and the Federal Revenue Department in the investigations. It should be noted that on that date the CPI had not yet been created. It should also be noted that from then on until now, the investigations by the executive branch had the support of the Central Bank and other public offices, without the president making any gesture or word that might reflect apprehension about the proceedings, or, even less, that might imply protection or a change of course to favor whomever.

"The president was not hit. During these weeks of work by the CPI and the convulsions of a journalistic coverage

that was properly orchestrated by the revanche politicians who are sponsoring all this, the president continued to fulfill his duties as chief of state, encouraging his cabinet and the public administration to avoid being intimidated by the noise; more than that, to prevent hesitation and inertia from transforming a political crisis into a national disaster.

"The report that was published, after being so many times described as the tool which would blow up the government, is a minor report. It failed to give greatness to or justify some CPI procedures. It failed to produce concrete facts out of things that never went beyond suppositions or indications. It gave neither legal status nor legitimacy to accusing documents and, on the other hand, failed in its attempt to minimize or detroy documents that opposed their objectives.

"The objective of the CPI, as is proven by the report, was not the clarification of truth. It was to expand the accusation and to prove it to the extent possible. Or to disseminate it, if no evidence were found. It is sad to see that serious men, even lawyers, have defended this dubious concept of ethics and law."

104. As neither the accused party nor his lawyer could have access to the CPI documents—if such documents actually exist, bearing the usual features and having the security conditions of court documents—it is here appropriate to reproduce the expressions of Senator Odacir Soares, who, in his capacity as active CPI member, witnessed the main abuses of power in the gathering of evidence, something that can annul or invalidate such "evidence." As for the habitual and illegal lifting of bank secrecy, his excellency said:

"Bank secrecy regulations were violated and broken in various forms. The documents that were obtained through these methods, even if they can provide suppositions or indications, cannot be accepted as evidence, unless the CPI repealed the Penal Proceedings Code. This observation applies to all "evidence" that was obtained through illegal methods. Much of the CPI evidence is of this type."

105. As for the summoning of witnesses, Senator Soares said:

"The principle of the independence of the branches of government prevented the CPI from summoning the secretary general of the Presidency of the Republic. According to Article 207 of the Penal Proceedings Code, the secretary was not allowed to answer the questions put to him about facts of which he was aware only because of his functions, unless he was cleared by the president of the Republic, and provided he wanted to answer the questions. Instead of alerting the secretary about such facts, the CPI forced him to swear and issued threats, mentioning the imprisonment penalty if the secretary denied or refused to tell the truth.

"As for the secretaries, who were also submitted to swearing and to threats of imprisonment, the CPI ignored the fact that refusing to provide answers was inherent to the work the secretaries were doing. Secretaries are depositories of confidential matters and secrets in the personal and labor environment, even more intensively than are lawyers, doctors, or nurses. Female and male secretaries can only answer questions about their activities if the interested party allows them to, as is set forth by Article 207 of the Penal Proceedings Code.

"Most CPI witnesses were summoned after they said through the press that they were willing to add new charges. These circumstances withdrew the credibility and independence that witnesses should have in order to validate their statements, as was seen in the statements by some witnesses who pressed charges or who offered additional evidence, without the CPI directorate giving them a single warning."

106. After denying any legal value to oral testimony that has been produced in such an illegal fashion, Senator Soares, in a dissenting vote, makes the following evaluation of documentary evidence and handwriting tests:

"Most of the pieces of documentary evidence are either unreliable or invalid. Several of them, namely those linked to the banking system, have been obtained through illegal means. Under Article 59, Section LVI, of the Constitution, such evidence is not admissible in any type of process. The Penal Proceedings Code also reinforces this legal premise.

"The handwriting tests and expert reports annexed to the CPI inquest files cannot be readily accepted, either. An expert report on this type of evidence, especially if based on photocopies, has only a limited value in establishing facts, and does not result in indisputable conclusions."

107. The main target of the opposition was in fact to seek the impeachment of the president of the Republic. The CPI could not indict him, but the Chamber of Deputies can authorize impeachment proceedings against him by a two-thirds vote of its members (Article 51, Paragraph I of the Constitution). Herewith the verbatim remarks of the diligent Senator Soares:

"These pieces of evidence, which were unilaterally produced and which lack any legal or constitutional value, cannot pave the way for an impeachment process, which stands out as the ultimate objective of whose who managed to control and manipulate the CPI. In order for this possibility to be considered—in order for an impeachment process not to appear to be simply a political-electoral manuever, as is the case now—it will be necessary to produce evidence proving beyond a reasonable doubt that the president of the Republic has reneged on the responsibilities bestowed upon his office, in committing crimes which would make him unfit to continue to exercise his mandate."

108. After charging the opposition with creating an atmosphere of judicial inquiry, Senator Soares noted that "even though an impeachment is a political process, it cannot be based on conjectures, let alone slanderous or

defamatory actions." Herewith his verbatim description of the president's ethical position:

"President Fernando Collor initially maintained an unshakeable ethical position, which was subsequently strengthened by the unfolding of events in the crisis provoked by the interviews of his brother Pedro. Even before the creation of the CPI, President Collor ordered the economy and justice ministers to have the Federal Police and the Federal Revenue Secretariat conduct inquests with a view to investigating the vague charges raised by his brother. The government made similar recommendations to the Central Bank, the Civil Aeronautics Directorate, and other government offices. Upon the installation of the CPI, the government ordered every echelon of the executive branch to give its utmost cooperation to the CPI. The president's impartiality and propriety have become evident throughout this entire process. No government official or employee of any level may claim to have suffered any pressure from the president, either to defend former friends or aides, or to protect himself or his next of kin. Only those who believe in the institutions, in the laws, and in justice act in this fashion. Only those who have nothing to hide act this way."

109. Although lacking the power to investigate facts related to the president of the Republic, the CPI veered away from its true objective and, by daily leaking distorted or out-of-context reports, it promoted a true moral lynching process against the president, which is now reaching its peak with the impeachment process.

110. The extensive and precise dissenting vote, which is based on a well-established legal doctrine, clearly demonstrates that the president of the Republic has not committed any common crime or malfeasance in office which could be cause for instituting any process against him. Herewith the verbatim conclusive remarks by Senator Soares:

"In light of all of the above considerations, there seems to be no doubt that this inquest will be dismissed. As Mazzini warns (in his book mentioned earlier, p 196), the objective of a penal process is to verify if there is cause for a punitive action, not to make a punishment feasible at all costs. When the inquest itself shows that there is no evidence supporting the charges, it would be abusively shocking to institute a process *vexationia causa* (with the purpose of vexing, of persecuting), which will bring disastrous consequences to constitutional order and to public interests. Additionally, to support a charge or petition for impeachment on an inquisitorial process, on illegally obtained "evidence," would be tantamount to precluding any subsequent process, because nothing could validate such illegal actions. Because it is based on an unfeasable process, and because it is incapable of outliving the atmosphere of aggression that surrounded it, this inquest is crying out for its demise, so that it may rest in peace, without hurting anyone's rights, and without irritating the public or disturbing the social peace."

111. This is the deposition of a person who had access to the evidence, pondered its value, and arrived at a comforting verdict of absolution.

IX. Production of Proof

112. It has been established that according to the Constitution, the authorization of the Chamber of Deputies alluded to in Article 5, No. I, implies the possibility of the immediate institution of a trial for common crimes and malfeasance in office against the president of the Republic. As soon as the trial for malfeasance is instituted in the Senate, or for common crimes in the STF, the president of the Republic is suspended from his position. (Article 86, Paragraph 1)

113. Such a serious consequence means that the president must be guaranteed the right granted by Article 5, No. LV, to any defendant or accused, as follows:

"Litigants in judicial or administrative trials, or anyone indicted, is guaranteed the benefit of the adversary system, and to a full defense with its inherent means and resources."

114. This is why Article 217 of the Internal Regulations—the text applicable by analogy—and Article 22 of Law 1079/50 allow probatory deferments to the accused besides the defense argument.

115. In order to present an appropriate defense, the defendant requires that all the documents used for the CPI Final Report to incriminate him be added to the case. According to the files the Honorable Deputy Gastone Righi, president of that Special Committee, has already requested these documents of the president of the Chamber of Deputies, but to no avail, as yesterday, 21 September, the defense lawyer could not examine them and had to defend his emminent client without examining the incriminating proof. If these elements are provided to the Committee, the lawyer will need a period of 10 sessions (Article 217, Section 1, No. 1) to review them (the defense, though presenting its case, was impeded because it did not have access to the documents used by the CPI to write its Final Report, particularly considering that the accusers based their accusations on that report).

116. In order to disprove the accusations of influence peddling in government—which is where the accusations are centered—the defense requests the following 20 testimonies, seven of which have already been heard by the CPI without the presence of the accused or his lawyer:

1. Luis Ribeiro Concalves, CEME [State Surplus Materials Commission] director, incriminated by entrepreneur Takeshi Imai, who accused him of inducing him to sign a contract with From Brazil [last two words in English] (see p 63 of the report);

2. Jose Maria da Fonseca, From Brazil director, who allegedly represented Paulo Cesar Farias and received bribes to sell products to the Health Ministry (p 64);

3. Ozires Silva, former infrastructure minister, who was allegedly alerted by Motta Veiga twice about the PC scheme in government (p 71);

4. Eduardo Modiano, president of the BNDES [National Bank for Economic and Social Development], who was cited by Motta Veiga as a target for a PC Farias attack;

5. Antonio Carlos Alves dos Santos, CEME president, who was said to have been proposed by Minister Alceni Guerra, and did not suffer PC influence (p 81);

6. Bernardo Cabral, former justice minister. According to Sebastiao Curio, he witnessed the accused delivering money for his electoral campaign (p 88);

7. Alceni Guerra, former health minister, whose name was mentioned as a member of the PC scheme;

8. Lafayette Coutinho, president of the Bank of Brazil, mentioned by Motta Veiga in his testimony (p 69);

9. Jorge Bornhausen, former minister secretary general of government, who was mentioned by Governor Roberto Requiao as having received a dossier on Paulo Cesar Farias' activities (p.79);

10. Jose Carlos Martinez, who was charged by the same governor of being a middleman for the liberation of CEF [Federal Savings Bank] funds. Martinez was also mentioned in the report as being in charge of the OM Television Network (p 263);

11. Zelia Cardoso de Mello, former economy minister, whose deposition was summarized on pages 74-75;

12. Eduardo Teixeira, former executive secretary of the MEFP [expansion unknown];

13. Claudio Vieira, former presidential private secretary;

14. Senator Amir Lando, CPI coordinator;

15. Antonio Ermirio de Moraes;

16. Renato Jorge Sarti, Cetenco [expansion unknown] director;

17. Joao Santana, former infrastructure minister, on the Petrobras-VASP [Brazilian Petroleum Corporation-Sao Paulo Airline] case;

18. Alvaro Mendonca, CEF president;

19. Deputy Paulo Octavio, mentioned in the report on page 264 and then excluded through a coordinator's letter; and

20. Luiz Estevao, guarantor of the Uruguay loan.

117. As soon as the complete dossier is presented to the defense, including the CPI material, the defense lawyer will require, if the case merits it, a new expert analysis of the accounts, the writings, and other evidence which might be necessary to clarify the facts.

X. Conclusion

118. The defendant is sure that he did not commit any of the crimes of malfeasance of which he is being accused; he did not behave in any way incompatible with the dignity, honor, and decorum of his high position; he did not permit or tolerate any violation of the laws of public order; and he did everything possible to reinforce control over the activity of public administrators, as is shown in the attached documents. (Doc. 1)

119. If the request for authorization is ever submitted to the Chamber of Deputies, the defendant expects that the honorable house will deny the authorization to try him for crimes he never committed.

120. Finally, the defense states that if the proceedings are altered through a Supreme Court decision, it will present a new defense at an appropriate time.

[Dated] 22 September 1992, Brasilia

[Signed] Jose Guilherme Villela, Lawyer's Registry 201, OAB-DF

* CPI Probes Former Economy Minister

92SM0624B Sao Paulo VEJA in Portuguese
16 Sep 92 pp 34-35

[Text] The bonfire of investigations into the extortions in the Fernando Collor government is burning its way closer and closer to former Minister of Economy Zelia Cardoso de Mello. During the Federal Police inquiry into the consortium of bribes headed by the president's treasurer, Paulo Cesar Farias [PC], it was learned that the PC scheme had financed lodging for the minister's advisers at Brasilia hotels since the early days of the government, paid for services ordered by the Ministry of Economy, and fattened the personal bank accounts of two of Zelia's friends and associates. The CPI [Congressional Investigating Committee] that is looking into the privatization of VASP airlines approved on Wednesday an exception to bank confidentiality rules allowing them to check the accounts of the minister and 25 other individuals and companies, among them most of the aides whom Zelia brought into the government during her term of office. The list includes the minister's former executive secretary, Eduardo Teixeira, who was infrastructure minister during the privatization proceedings. "We are pulling on the thread of a fabric that may lead us to a connection between Zelia and the PC scheme," suggested Sao Paulo Deputy Tuga Angerami, PSDB [Brazilian Social Democracy Party], one of the members of the VASP CPI.

The connections documented by the Federal Police are so extensive that detectives in charge of the case have given up the idea of indicting all the members of the economic team who benefitted from the payola. "The proceedings would never end," said one of those responsible for the investigation. From two depositions it was discovered that PC has been fast friends with the former minister from the outset. The former minister's secretary of administration, Jose Max Reis Alves, told how he

played a prominent role in a mystery story when he took the job in December 1990. First, he was contacted by the manager of the hotel where most of the team was staying. Phillip Haijblom, of the Tennis Academy Hotel, presented him a bill for 9 million cruzeiros, the equivalent of $50,000, for lodging for a group of 20 people. Max told him he would check with the bureaucrats to see how to handle the payment. Two days later, a branch manager from Banco Rural "whose last name was Reis" visited Max and suggested he open a checking account there. He did. Later, he received a phone call from someone identifying himself as Carlos Araujo who said that the funds for the economic team's expenses was at his disposal in that account.

Campaign Surplus

It took a while for Max to find out that Carlos Araujo was the code name for pilot Jorge Bandeira, PC Farias's right-hand man both at Brasil Jet and in the phantom bank accounts scheme. Over the course of four months, $40,000 flowed into Max's account at Banco Rural. He told the police that he also used money from the scheme to hire artist Robert Balantines to produce charts and graphs, and the Sintonia Institute to do research for the ministry. These materials were used by the economic team in their negotiations on the external debt. "Who sent the people to the Tennis Academy?" asks Max's attorney, Paulo Sahyeg. "It is obvious that it was Zelia, and my client has nothing to hide." And that is also what testimony by the ex-minister's first secretary of administration, Cid Pimentel, indicates. PC Farias's role in financing the economic team was explained to him in April 1990 when he received instructions about his job from chief of staff Sergio Nascimento. "These people's expenses will be paid from a surplus in President Collor's election campaign," Nascimento explained, handing him the phone number for Brasil Jet.

In a direct line from Jorge Bandeira, Pimentel received envelopes of cash every month. "Everyone at the ministry knew the bill was being paid by PC," recalls Zelia's former press aide Marcio de Luca, one of the guests at the Academy whose expenses were paid by the scheme. The Federal Police are also looking into the payment, in June, of ten invoices totalling 2.551 million cruzeiros, equivalent to $890. They are the result of a bill that was left unpaid in the final month of Zelia's time in office and not settled until the owner of the Tennis Academy, Jose Farani, hinted that he might go public with the story during the investigations by the CPI on PC. The hotel's current manager, Mauro Muller, denies the threat and says the payment was made by the Ministry of Economy. The police think it was Collor's former secretary Claudio Vieira who settled the bill.

Change of Tune

Until she was questioned by the CPI on PC, former minister Zelia always maintained that she would feel obliged to provide explanations only if someone were to find some check that would involve her personally in the banditry going on around President Collor. Last week, while evidence was mounting that the team she headed had benefitted from PC's bribe pipeline and the CPI on VASP was getting ready to delve into her bank accounts, Zelia changed her tune. She began saying that she would only talk about these things in court. It may take her quite a while to give her testimony. The Federal Police are still planning to talk to other members of her circle of friends who were involved with PC money. One of these is businessman Carlos Moraes, her former partner in the ZLC consulting firm. He will have to explain why he received $36,250 from phantoms in the scheme, and what the firm had in mind when it purchased a copy of the preliminary announcement containing information for potential bidders for the first attempt at privatizing VASP. The detectives will also want to know whether his is the surname "Moraes" they found on PC's computer next to the names "Paulo, Rui, Bandeira, and Rosinete." Another name on the list of witnesses is Zelia's former private secretary, Joao Carlos Camargo, who pocketed $240,000 in checks from the gang and, as a civil servant at the time of that gift, may be indicted for accepting a bribe. He will be company for Sergio Nascimento, Cid Pimentel, Max Reis and—depending on what other discoveries are made—the former minister herself.

* Pork Barrel Tactics of Collor Government Noted

92SM0624A Sao Paulo VEJA in Portuguese
16 Sep 92 pp 32-33

[Text] The Planalto Palace bunker has decreed a state of emergency in its hunt for 168 votes to keep President Fernando Collor in office until 1 January 1995. The strategy begins with terrorism in the legislature, moves on through ministerial directives accompanied by fat checks, traverses the coffers of the official banks, and emerges at the end of the line in the form of public works, or even cold hard cash in the pockets of the legislators. As head of a government composed of ministers who do not administer, others who are staying on just for the sake of staying, and a third group that is playing dead, Collor has decided to personally take over the job of rounding up votes. He receives visits from politicians—the sort of routine he is known to detest—distributes courtesies, and appears affable in the conversations during which he negotiates for votes. In this he has the help of an ever-shrinking, but persistent, group—Ricardo Fiuza of Social Action and the Congress, Lafaiete Coutinho of Banco do Brasil and the Congress, and Alvaro Mendonca of the Federal Savings Bank and Congress.

For public consumption the administration is proclaiming a mathematical victory. It says it has 203 sure votes, but popped champagne corks when the Federal Supreme Court announced its decision to extend the interval that Speaker of the Chamber Ibsen Pinheiro had allowed for Collor's defense. "If they had had all those votes they say they have, all they had to do was come out and fight," reasoned Senator Mauricio Correa of the

PDT [Democratic Workers Party] of the Federal District. The administration selected as chairman the of committee that will given an opinion on the justification for an impeachment proceedings Gastone Righi, of the Sao Paulo PTB [Brazilian Labor Party], renowned for his skill in handling special favors. In that effort, Collor is playing the leading role in a very unusual situation. It is rare that a government's machine would have trouble preventing 336 deputies from voting in favor of any issue. During the Figueiredo administration, it was known a month before the vote that the proposed "direct elections now!" measure would not pass. In fact, although the opposition kept people demonstrating in the streets, it was negotiating the Tancredo-Sarney slate behind the scenes. Now, given the turmoil at Planalto Palace, skillful political maneuvering has given way to the Official Gazette and the checkbook.

Japanese Carp

Under the mercantile practices now being employed, the bunker has descended to the level of corruption in order to buy up votes for cash. Lines of credit for as much as $1 million have been opened for legislators through official institutions. According to a "fox" from the PDS [Social Democratic Party], the system works through an emissary from the legislator whose vote is for sale. When the line of credit is opened, the emissary withdraws 8 percent of the amount of the loan, delivers half to the legislator and the other to the leader of the party. The rest comes in installments. In terms of public works, Planalto Palace is scraping the bottom of the barrel. By 2 September, Minister Fiuza alone had signed 89 directives dispatching a total of $44 million. The agility of his pen conceals the blandishments to the deputies, customarily the ones who control entities in their constituencies. Fiuza dispatched $6,000 to the O Consolador Spiritist Center in Maceio and $2,000 to the famous Mothers' Club in the city of Tanque D'Arca, also in Alagoas. According to FOLHA DE SAO PAULO, Lafaiete Coutinho keeps on his computers at Banco do Brasil a list of 190 legislators and their requests. When he releases the money, Lafaiete notifies Gastone Righi. This is the Lafaiete-pays-and-Gastone-collects-on-the-promises connection. This is where Japanese carps like Jose Lourenco, Humberto Souto, and Marco Maciel come in.

Under a strategy that has not a shred of political content but is instead aimed at defending the personal interests of a president who wants to rescue his mandate, the appropriations fall into the hands of deputies who are inclined to vote for impeachment, the undecided, and those who have pledged to vote in favor of the president. Aecio de Borba (PDS-Ceara), who has not yet announced his position, was gifted with a complete kit of public office and appropriated funds. Macape, his electoral stronghold, won a billion cruzeiros and the deputy also got to appoint a sanitary engineer to run the commuter trains in Fortaleza. "I am a little worried about that," said Ceara Governor Ciro Gomes. The bunker is even taking its fight to the TV screens. Last week, the PRN [National Reconstruction Party] paid an advertising agency $15,000 to develop a commercial which it ran, attempting with the slogan "Wake up, Brazil," to persuade people that Collor's impeachment is being promoted by the same elites who turned against Getulio Vargas, Juscelino Kubitschek, Janio [Quadros], and Jango [Goulart]. This led Vice Governor of the Federal District Marcia Kubitschek to break with the PRN in protest against the insinuations that her father had been involved in corruption.

On the floor of the Chamber, the bunker is trying to corral [former Sao Paulo Governor] Orestes Quercia's PMDB [Brazilian Democratic Movement Party]. The leader of the monetary banditry, Lafaiete Coutinho, has already told anyone who would listen that if the government falls it will take Quercia down with it. Last week, Collor aides were trying to frighten members of the opposition. They threatened to resuscitate the CPI [Congressional Investigating Committee] that had looked into possible corrupt activities by [former President] Jose Sarney, investigate the international sources of funds for the CUT [United Federation of Workers] and Luis Inacio Lula da Silva's PT [[Workers Party], and launch a fiscal raid against "toucan" Tasso Jereissati and Quercia himself. Pure terrorism. They want to scare these men the same way they tried to scare the businessmen who paid bribes to PC. The only one of them who's been made to look foolish is Mario Amato, of FIESP [Sao Paulo State Federation of Industries]. He supported moves in favor of impeachment, promised to let his employees have time off to take part in the demonstrations, and even to provide free transportation for them. But he backed down. "Sharks" in the industry say Amato is more worried about curbing the Federal Revenue Secretariat, which is snooping around his companies. Friday, without the support of capital, Union Strength leader Luiz Antonio Medeiros, was left with only labor. Only 3,000 people showed up at Praca da Se in downtown Sao Paulo. He explained the failure to attract more people by saying that City Hall, controlled by the PT, had intercepted 200 of his 300 buses on the highways that circle the city. Nonsense. If that were true, a monster traffic jam would have signalled the boycott. The city had a normal day. What worries the pro-impeachment forces is that demonstrations demanding Collor's ouster may be on the wane. The fewer people in the streets, the harder it will be to pass the impeachment measure.

Atmosphere of Revolution

By spreading the message that it has its picnic basket full of votes and by pursuing its underground corruption-pork barrel-terrorist actions, the administration is acting as though it were strong, but it is increasingly boxed in by an avalanche that it cannot control. Prosecutor General Aristides Junqueira has prepared the charges he will make against the president and finished work on a list of 30 questions that Collor will have to answer about his personal accounts. Within the administration, Collor cannot keep even a minimum of give-and-take going. Agriculture Minister Antonio Cabrera reports that an

atmosphere of revolution pervades the ministries. "Everyone is afraid, no one does any work, and I have to sign a directive just to purchase a pencil," the minister said. Given this paralysis, it is certain Collor will stay in Brazil. He cancelled the trip he was to make to New York at the end of the month to address the UN, and there are no immediate reasons for him to flee the country. Last week, the Buenos Aires newspaper AMBITO FINANCIERO published clarifications from Chilean Under Secretary of Foreign Affairs Edmundo Vargas denying that Collor had asked the Santiago government for asylum. "There is nothing of the sort going on," the official said. Therefore, everything is normal in Brazil and abroad. Ah yes, on Thursday, Minister Jorge Bornhausen submitted his resignation and went on vacation in the tax haven of Aruba, in the Caribbean. A depressing solution, given Bornhausen's resume. In his letter of resignation he praised Collor and spoke ill of the CPI and the Congress. If that is the case, then why did he leave?

* Recession Impact on Business Sector Surveyed

92SM0604A Sao Paulo VEJA in Portuguese
2 Sep 92 pp 78-82

["Heroes of the Resistance"]

[Text] *The harvest and exports are boosting the Brazilian economy, which may grow this year but is still a long way from overcoming the crisis.*

Shored up by good harvest results and rising exports, the Brazilian economy should reach the end of the year with a less ugly look than the famished scowl with which it said good-by to 1991. Data published last week by independent institutes reveal faint signs of life. The gross domestic product, or GDP, should rise by a little over 2 percent by December. According to forecasts, industrial activity will also get its breathing apparatus above water and may advance by about 1.3 percent. Considering that that growth is measured in terms of last year, which represented the bottom of the barrel after a decade of economic decline, it is clear that what we are seeing is not a reaction. The positive indicators are symptoms of resistance.

"The economy has grown a little throughout the year, but it started from a point that was already very low, and even at that, it has grown more slowly than the population," says Deputy Delfim Netto (PDS [Social Democratic Party], Sao Paulo). The damage done by the recession was great, and there is no way to make up for it from one hour to the next. Brazilian incomes have declined by half over the past seven years, and that has undermined society's purchasing power and turned the domestic market into an ever-shrinking island of consumers surrounded by a sea of unemployment. In Sao Paulo last week, nearly two out of every 10 wage earners had no income and no employer. To make things worse, the Brazilian economy depends like an intensive-care patient on a putrefying government whose budget next year will probably be 22 percent smaller than this year's actual spending level. Smaller budgets are a blessing when there is a government and when the country is not submerged in a brutal recession. Even a colossal economic power would be shaken after 10 years of shocks, economic packages, isolation, and economic alchemy.

In a scenario like that, it is certainly astounding that the economy should be projecting a positive result for the end of the year. The service sector, which accounts for 60 percent of GDP, has withstood the recession and experienced slight growth. Agriculture, which accounts for one-tenth of GDP, has also improved its performance. Exports are expected to bring in approximately $34 billion from sales abroad by Brazilian firms during these 12 months. Last week, the Sao Paulo State Federation of Industries (FIESP) reported that exports by Sao Paulo industry were 50.2 percent higher than the year before. "Our economy's ability to react is very great," says economist Joao Marcus Marinho Nunes, who analyzes business trends for several firms in Sao Paulo.

"More intense recession"—There are signs that the recession's impact has not been felt equally throughout Brazil. The Brazilian recession has been concentrated in Sao Paulo, whose industry is being lashed by the rigors of shrinking consumption. "The recession is not the same in all the states or in all sectors. It is being felt mostly in Sao Paulo because that is where the durable goods industry, which is where the recession is most intense, is concentrated," says the special secretary for economic policy, Roberto Macedo. He is right. States such as Minas Gerais and Ceara will see their GDP's exceeding the average growth for the country.

It may be premature to conclude that the recession in Brazil has had the only beneficial effect that can be expected of such a cruel process: that of adjusting the economy to the increase in its ability to cope with crises without paralyzing trauma. But at least one can see signs that some sectors have shown initiative in facing up to adversities and now, after taking their lashing, are preparing to grow on more solid foundations. A good sign of this can be seen in the range of measures adopted by the most flexible businessmen to deal with the recession. They are captains of industry who have realized how harsh the new profile of Brazil's economy will be with its atmosphere of competition with imported products and relative freedom in prices and competition.

The Villares Group, one of the country's largest industrial conglomerates, is one example. It has closed factories, sold money-losing businesses, and reduced its manpower by about 40 percent. As a sign of the hard times, the group's head office has moved from the 11 floors it occupied in a building in Sao Paulo's high-rent district to one and a half floors in a modest building next to its elevator factory. The group has decided to focus on the manufacture of elevators and special steels, two areas where it performs best. As a result of that reorganization, Villares Industry showed a profit of $6.6 million for the first half of this year, something that has not happened

since 1990. "Today we are suited to Brazilian reality," says Paulo Villares, chairman of the group's board of directors.

Exports—"Businessmen know that this time it will not help just to lay people off and reduce production, as they did in the past. To remain intact, they will need to improve their efficiency," says Antonio Carlos Molina, manager of Brasilpar, an investment consulting firm in Sao Paulo. Under pressure from the avalanche of Hondas, Toyotas, Mercedes-Benz's, and BMW's that have started arriving with the relaxation of import rules, Brazilian automobile manufacturers have decided to open the hood. To make better and cheaper cars, they plan to invest $5 billion over the next five years, and that is more than they invested during the entire decade of the 1980's. "We are getting ready to compete with the imports and to be able to export more, and we are also hoping that the domestic market will grow in coming years," says Silvano Valentino, president of the Fiat Group in Brazil.

For firms that have already stuck their heads into the First World—meaning those that export—the thud of recession was much milder. Sadia, which exports chickens, meat products, and even quibe [an Arab dish] to Saudi Arabia, billed $207 million during the first half of this year, compared to $138 million during the same period last year. Fiat of Brazil, which exports automobiles and tractors to the United States, Europe, and a few neighboring countries in South America, will probably bill nearly $2 billion this year, a jump of 10 percent over 1991. The Santa Catarina firm of Artex, which is one of the country's largest manufacturers of towels and bathrobes, has also increased its sales abroad. This year the firm has exported 60 percent of its production, or twice as much as in previous years.

In his search for foreign dollars, the Brazilian exporter is bringing considerable know-how into the country. Generally speaking, Brazilian businessmen always turn to the foreign market sporadically, especially when the domestic market is not doing well. With the country's opening up to trade, that mentality seems to be changing. Many companies now see exports as a way of withstanding the arrival of foreign products. To do well abroad, the Brazilian exporter is having to lower his costs and refine his product. All of that serves as a lesson for improving the product inside Brazil as well. "The trend in search of efficiency is a worldwide phenomenon, and as always, Brazil is off to a late start," says Molina of Brasilpar. "Simply laying people off is a symptom of backwardness."

No protection—No businessman presents mass layoffs as a trophy of his management. In some cases, as in the electronic equipment industry, for example, the survival of firms has been assured only by drastically reducing the number of workers. Anyone measuring the depth of a recession by the number of jobs it wipes out can say with certainty that the electronics industry has been the hardest hit. Over the past two years, companies manufacturing electronic products have thrown 66 percent of their wage earners into the street. Gradiente, Sharp, Philips, and the CCE, which expanded in Brazil under the protection of import quotas, were caught unprepared when they had to compete with imports.

Over the past two years, Gradiente has laid off 6,900 of the 9,650 plant workers it once had. The knife cut through more than the assembly lines. Two of the four vice presidents and nine of the 16 managers also found themselves out on the street. Those that remained, including partner-owner Eugenio Staub, had their salaries cut by 10 percent. The firm also closed three plants and began bringing in cheaper foreign components for the equipment it produces. "I did all this very reluctantly, but there was no other solution," says Staub. Gradiente, which was billing $400 million annually before the recession, will probably close its books this year with revenues of $150 million at most. Now three times smaller than before, the company currently makes products from 15 to 20 percent cheaper than was true two years ago. "We will make a small profit again in the second half of the year, and that has not happened since 1990," says Staub.

Will Gradiente ever again have as many employees as it had before the recession and the confrontation with imported products? Probably not. Gradiente grew in a somewhat unreal country where consumers were deprived of access to consumer goods by the most punitive means: high import taxes. Surviving in the real country, where foreign trade has come to have appreciable weight, forced Gradiente to also assume its real size. The only solution for growth now, even if the economy resumes its normal course, is quality similar to that of products coming from outside. Eliminating employees has guaranteed survival, but only quality is going to make a takeoff for the future possible. That is a lesson which the electronics industry has learned the hard way.

Sharp, which is one of the country's largest manufacturers of electronic products, fired one-third of its 15,000 employees, shut down a number of production lines, began importing a few pieces of more modern and cheaper equipment from Sharp in Japan, and invested in technology. That was not enough to ensure a steady level of billing, which has collapsed in the past three years from $1 billion to $800 million, but gains in productivity have been significant. A year ago, each Sharp employee was assembling 13 television sets per day. Today the average is 31 sets per employee. During the same period, the frequency of defects in its products has dropped from 14 percent to 8 percent. "Our goal is to match the productivity patterns of Sharp in Japan," says Matias Machline, the firm's president.

Businessmen quick on the trigger, who order mass layoffs without taking any other steps to adapt—such as focusing on quality and putting a stop to waste—may be facing recession. Certainly they are not guaranteeing

themselves a place in the future. Capitalist economies are characterized by recurring crises that mow down the incompetent with the indifference of a knife blade. Of the 500 largest U.S. companies in the 1950's, only 35 are still among the largest 500 today. While the current recession can be viewed as a byproduct, meaning the bitter cost of economic adjustment—and there are doubts that it can—the nation's suffering will have been mild compared to similar experiences in other countries.

Scrap iron—In the Mexican recession, which lasted eight years, unemployment affected 20 percent of the workers and the country's industrial plant almost turned into scrap iron. It is estimated that during that period, about 4 million Mexicans emigrated illegally to the United States in search of work. In Chile during the 1980's, three out of every 10 workers lost their jobs, and nearly 5,000 companies closed their doors. During that period, over 500,000 people went to work in the Minimum Employment Program, a plan invented by the government to keep people busy doing something in return for almost symbolic pay. Those were painful experiences, but on the other hand, the Chilean and Mexican economies have now joined the international economy as examples of success. Today's Chile is a country in expansion and one of the South American countries attracting the most foreign investment. Mexico also has an economy that is growing rapidly enough to allow it to participate in a free trade bloc with the United States and Canada. "If the Brazilian economy begins growing again next year, we will have paid a smaller price than Chile or Mexico," says Staub of Gradiente.

It will be good for everyone if the economy starts growing again, but for millions of Brazilians, a high price has already been paid. The collapse in retail sales, for example, was a resounding one. For the first six months of the year, retail sales were 18.13 percent lower than the year before, according to the Getulio Vargas Foundation in Rio de Janeiro. Large retail chains such as Mesbla, Arapua, and Sears closed stores and laid off employees. Supermarket chains such as Pao de Acucar, Paes Mendonca, and Bom Preco did the same thing. "Few people in the retail business escaped. We should have reacted earlier," says Guilherme Meyer of Minas Gerais, president of the Bakana Stores, a toy retailer with stores in Minas Gerais, Sao Paulo, and Rio de Janeiro. Faced with steadily declining sales over the past two years, Meyer has closed nine of his 21 stores and laid off more than half of his 600 employees. It is essential that the economy start growing again. The population growth that throws nearly 1 million new jobseekers into the labor market every year is one good reason. Another is that it does no good to have a trim and efficient economy if there is no one to sell to.

Ray of Light in the Darkness

The most difficult year in the history of the Brazilian economy was 1991. The analysis made by the Abril Publishing House's magazine EXAME in connection with the annual performance ranking it publishes under the title "Bigger and Better" reveals a dramatic picture. Of the country's 500 largest companies, 249 reported combined losses of $2.57 billion. All without exception experienced a drop in profitability. The picture would be even more dismal without the firms which, despite the difficulties encountered during a period of sharp recession, achieved good results. The survival formula which they adopted provides a profile of the enterprises that will be successful when the Brazilian economy starts growing again. "The best 31 firms in each sector are the most modern: the ones that are investing in technology and in personnel training," says Stephen Kanitz, a director in a number of companies and professor at Sao Paulo University who coordinates the research for "Bigger and Better."

Higher productivity—Having adapted to the new realities of the economy, about 45 percent of the Brazil's big firms earned a profit in 1991. If times were not so bad, that would not be an encouraging figure. But in the existing scene of devastation, the appearance of positive results reveals an unexpected vitality. They show a real and lasting performance because they were achieved in a climate of economic deregulation, the opening up of the Brazilian market to imported products, and the shutting down of bureaucracies. The firms were forced to modernize and invest in the quality of their products. "Despite the disastrous decisions of the past few years and the current lack of discipline, we are on the right path in several areas of our economic organization," said Roberto Civita, president of the Abril Publishing House, at the ceremony held in Sao Paulo last Thursday to award prizes to the best companies of the year.

The good results show that those who managed to stay afloat and invest in quality and productivity put down roots even in the arid soil of the crisis. In last year's desolate landscape, Method Engineering, which won the title of best company in 1991, earned a profit of over $8 million. While the 500 largest firms laid off about 350,000 workers over a period of two years, Method increased its manpower by 50 percent. Like it, other firms changed the way they manage their affairs to improve performance. Nestle, for example, which was chosen the best firm in the food industry, simplified its structure and recorded sales growth of 3.6 percent despite competition from foreign products.

Discovery of the path to the solution of company problems is an encouraging sign. The productivity of Brazilian workers has risen considerably even though it is still below that in the First World. Last year each employee of the country's 500 largest companies produced an average of $78,201. Employees of the 500 largest companies in the world produce 2.5 times that much.

Amendment of U.S. Extradition Treaty Sought

PY2809184992 Rio de Janeiro O GLOBO in Portuguese 25 Sep 92 p 17

[Article by Sandra Brasil]

[Text] Brasilia—Justice Minister Celio Borja wants to amend the extradition treaty signed between Brazil and the United States, in order to make it clear that Brazil

will not accept the U.S. Supreme Court's ruling to kidnap people abroad and who are sentenced by the U.S. Court. On 24 September, Borja endorsed Justice Ministry Legal Adviser Claudio Fonteles' position to amend the treaty. Fonteles said: The Brazilian Constitution repudiates any move based on the doctrine that recognizes foreign territory as coming under the jurisdiction of a U.S. Court. It also deems irrelevant the methods used to implement its decisions.

Borja will have to submit his proposal to the Foreign Ministry, which is responsible for negotiating a new extradition treaty with the United States. Brazilian Attorneys Association (OAB) representatives filed their repudiation with the Justice Ministry over the U.S. Supreme Court's ruling issued on 15 June.

Francisco Guimaraes, director of the Justice Ministry Foreign Affairs Department, thinks that a restriction on the activities of U.S. agents in Brazil should be expressly established in the new treaty.

Fonteles bases his position on Article 4 of the Constitution which establishes that "the Federative Republic of Brazil rules its foreign relations in keeping with the following principles: 1) national independence; 3) [number as published] self-determination of nations; 4) nonintervention; and 5) equality among the states."

Human Rights Agreement Signed at OAS

PY2809200792 Rio de Janeiro O GLOBO in Portuguese 26 Sep 92 p 13

[Summary] On 25 September Foreign Minister Celso Lafer signed the American Human Rights Agreement, also known as San Jose Pact, at the OAS. By signing this treaty, which provides for protection against human rights violations, Brazil is subject to trial by the Inter-American Court of Justice.

Chile

Further on Accusations of Telephone Espionage

Espionage Activities Revealed

PY2309201492 Santiago Television Nacional de Chile Imagen Internacional in Spanish 0000 GMT 23 Sep 92

[Text] Since the scandal that followed the broadcasting of a telephone conversation of Senator Sebastian Pineira, Chileans have been asking which organizations have the technical capability, resources, and trained personnel to conduct espionage on phones in Chile. The public commotion caused by the recording of a center-right senator's phone calls has prompted the appointment of Judge Alberto Chaigneau to investigate this subject.

This station has assigned its own journalistic investigation team. As a result of this effort, tonight we will make public some surprising facts about one of the Armed Forces branch.

There are two satellite antennas atop a building in western Santiago from where, according to information we have gathered, espionage activities on cellular telephones are being carried out. The evidence we have been able to collect suggests that this building, its installations, and the personnel who work there, belong to Dine, the Army Intelligence Directorate.

According to a statement to Television Nacional de Chile by a person connected with the intelligence services, the building—on Garcia Reyes Street, near the corner of Bernardo O'Higgins Avenue—which is disguised as a car repair shop, is one of the main seats of the Army Intelligence Battalion, [Batallon de Inteligencia del Ejercito] BIE. Among other activities carried out here, the daily duties of the personnel assigned to this unit is to listen to and record private telephone calls. Telephone communication espionage is carried out on all those who own a cellular telephone. Special attention is given to intercepting conversations of politicians, businessmen, clergymen, and other relevant personalities in the country.

Here is an exclusive interview with someone who first worked for the CNI [National Intelligence Center] and who then continued his intelligence activities in the Dine.

To safeguard his identity, his face will be kept in the shadow.

[Begin recording] [caption notes this interview was recorded on 22 September]

[Unidentified correspondent] What is the BIE?
[Unidentified Dine agent] Its name says it all: Army Intelligence Battalion.

[Correspondent] What is its mission?
[Dine agent] Its mission? Intelligence. Internal, external, political, or religious intelligence, or whatever you want to call it.

[Correspondent] Did you work in the BIE?
[Dine agent] Yes, I worked there.

[Correspondent] Is this battalion part of the telecommunications regiment?
[Dine agent] No, it is not. It is part of Dine.

[Correspondent] Dine?
[Dine agent] Dine.

[Correspondent] Army Intelligence Directorate?
[Dine agent] Army Intelligence Directorate.

[Correspondent] How many people work at the BIE?
[Dine agent] Approximately 600.

[Correspondent] Six hundred people?

[Dine agent] Yes.

[Correspondent] Where are the BIE headquarters?
[Dine agent] On Garcia Reyes Street near Alameda Avenue.

[Correspondent] Is this the only unit, or are there others in Santiago?
[Dine agent] Only one. Well, do you mean with the same objective?

[Correspondent] Yes.
[Dine agent] Of course there is another unit, the operational section. That is on Grajales Street near Republica Street.

[Correspondent] How is telephone espionage done?
[Dine agent] I worked at BIE for some time as an operator. We use machines called scanners [preceding word in English]. These scanners operate, I think, in UHF frequency, on 900 megacycles. They are new. Their brand name is AOR.

[Correspondent] When were these scanners put into service?
[Dine agent] About two or three years ago.

[Correspondent] How many scanners are operating from Garcia Reyes Street?
[Dine agent] If you count every operator—sometimes there are shifts with four operators—each operator has seven or five scanners. That is, five or more, at the same time.

[Correspondent] Each operator has one scanner?
[Dine agent] No. Each operator has five scanners, or seven scanners.

[Correspondent] What is the work of the operator? Please explain what they do.
[Dine agent] The machine is very simple. It is programmed on the same frequency as a cellular telephone, you leave it in automatic mode, and the operator listens.

[Correspondent] To all conversations?
[Dine agent] To all conversations. As many as you can because there are five operators listening to the tape recorders [words indistinct]

[Correspondent] Do they work 24 hours a day?
[Dine agent] Yes, 24 hours a day.

[Correspondent] Is it all recorded or what?
[Dine agent] Everything is recorded.

[Correspondent] But there are conversations that perhaps are of no interest.
[Dine agent] Of course. You only record conversations that are of interest to the operator.

[Correspondent] How does the operator know if the conversation is important?
[Dine agent] He is trained for that.

[Correspondent] How is he trained?

[Dine agent] He recognizes the voices of those people who are important for him.

[Correspondent] Are those voices of politicians in particular?
[Dine agent] Politicians, local personalities, what else can I tell you, ... businessmen, important people.

[Correspondent] Are government telephone numbers also spied on?
[Dine agent] Of course.

[Correspondent] Are ministers also spied on?
[Dine agent] Of course.

[Correspondent] Conversations of the president of the Republic?
[Dine agent] If he ever spoke on a cellular phone, it must be recorded.

[Correspondent] What is done with these recordings?
[Dine agent] They are filed. When they are old they are erased.

[Correspondent] Is this telephone espionage carried out everyday, 24 hours per day?
[Dine agent] 24 hours per day. And I am not speaking of telephone espionage only.

[Correspondent] No?
[Dine agent] No. Otherwise (?there would not be an explanation).

[Correspondent] What else?
[Dine agent] All telecommunications are completely covered.

[Correspondent] What other kind of communications?
[Dine agent] Police, Carabineros, Investigative Police. There is a team that works on short wave frequencies. They are all checked. Telegraph communications are also checked.

[Correspondent] This means you control the conversations of politicians?
[Dine agent] Yes.

[Correspondent] The clergy?
[Dine agent] Yes.

[Correspondent] Businessmen?
[Dine agent] Yes.

[Correspondent] Carabineros also?
[Dine agent] Yes.

[Correspondent] And the Investigative Police?
[Dine agent] Yes.

[Correspondent] And other Armed Forces branches?
[Dine agent] No, because their work is the same. The difference is that there are fewer personnel now, but the work is the same.

[Correspondent] Are spying activities also carried out in Valparaiso? Do you control telephone calls from the national Congress as well?
[Dine agent] Do you mean the same type of spying?

[Correspondent] Yes.
[Dine agent] Yes. I was once assigned with other colleagues, noncommissioned officers, and the officer in charge, in this case (Mr. Legue), to go to Valparaiso. This is not done occasionally, it is done regularly.

[Correspondent] What do you mean?
[Dine agent] This is done regularly, not occasionally.

[Correspondent] Do you mean every week?
[Dine agent] Not every week but at least once a month.

[Correspondent] Do you mean that a team is sent to Valparaiso?
[Dine agent] Exactly.

[Correspondent] Where do they set up their equipment?
[Dine agent] Anywhere. It is not necessary to be near Congress.

[Correspondent] Can they set up on the beach?
[Dine agent] Sure. These calls can be intercepted anywhere.

[Correspondent] Is the interest generally focused on conversations of a political nature?
[Dine agent] Essentially, yes. But we often listen to conversations of a subversive nature. We learn about them long before they take place.

[Correspondent] Can you give us some examples?
[Dine agent] The [Christian] Edwards [kidnapping] case, for instance.

[Correspondent] Did you know about it?
[Dine agent] A long time before it happened.

[Correspondent] And what did you do with the information?
[Dine agent] There were several teams working on the case trying to find those responsible. When everything was complete, the data was handed over to the investigative police.

[Correspondent] Do you think the Edwards case was solved because of this information?
[Dine agent] Yes, I am positively sure of it.

[Correspondent] What about conversations by some politicians or some other people who talk about sexual relations, love affairs?
[Dine agent] Well, many of those conversations are heard. Normally, when we catch conversations of that nature we pass the information from one operator to another and we all listen to it. If the boss decides it is of interest it is kept, otherwise it is discarded.

[Correspondent] Are conversations of that nature also recorded?

[Dine agent] Yes. Nothing is lost here. We usually pass to the next shift what was done by this or that person.

[Correspondent] Do you mean that you also laugh or joke about such conversations?
[Dine agent] Of course.

[Correspondent] Do you remember the names of some people, politicians perhaps, whose conversations have been heard?
[Dine agent] I remember Gabriel Valdez, Maria Angelica Cristi, Laura Soto, and there are others I do not remember. In general all those with cellular phones are heard.

[Correspondent] Why do you think the conversation of Senator Sebastian Pinera was recorded and then released through a television station?
[Dine agent] I believe it happened because Senator Pinera probably had a problem with General Pinochet. They must have had some problem. Of course Pinochet did not order this. It was done by his subordinates. These people could have decided to investigate him.

[Correspondent] Does it mean that Pinochet is not aware of this?
[Dine agent] No, absolutely not.

[Correspondent] Do you think this conversation with Senator Pinera was recorded in the Army Intelligence Battalion?
[Dine agent] I believe so. I really think so because these people are the only ones to have this type of equipment.

[Correspondent] Nobody else has scanners to listen to telephone calls?
[Dine agent] Well, I believe the Carabineros are also doing the same work.

[Correspondent] Is it possible that Senator Pinera's conversation was recorded elsewhere?
[Dine agent] If anyone has the same type of equipment, yes. Right now I am certain that it was recorded at the BIE.

[Correspondent] What do you think of Gen. Augusto Pinochet?
[Dine agent] I admire him.

[Correspondent] Why?
[Dine agent] He is an excellent person. I want to say this. I really regret doing this, but I am also happy.

[Correspondent] Do you think he is aware of the work you are doing, intercepting telephone calls?
[Dine agent] I do not think so because he is not aware of many things. I also think he is not aware of the way his people live. This is one of the errors committed by Pinochet.

[Correspondent] How is this related to that problem?
[Dine agent] Well, he has never learned about the way his people live. I mean his guards, his agents.

[Correspondent] What led you to tell me all this?
[Dine agent] First because I am sick and tired of living this life. In that garrison we are continuously harassed. We are continuously reprimanded. They reprimand us for anything and continuously. I am tired of this. I am sick and tired of that treatment.

[Correspondent] And what do you think about this telephone espionage?
[Dine agent] I do not like it. I do not like it all.

[Correspondent] Why not?
[Dine agent] Well, who would like it? I do not like it. There are other types of things I accept, but not these things. Sometimes we laugh at things we hear, but I do not agree with it.

[Correspondent] How do I know you are not part of some scheme to involve me in this matter?
[Dine agent] First, you must have confidence. That is all I can offer you. Confidence. What I am telling you is the truth.

[Correspondent] Aren't you afraid?
[Dine agent] Sure I am. I am placing the rope around my own neck. I know that many people will be looking for me, and not just me, but my family and my children as well. They will look for me. [end recording]

We must stress that this station has adopted all possible precautions to guarantee that the information we are broadcasting is factual.

TV Station Defends Reports

PY2609171092 Santiago Television Nacional de Chile Imagen Internacional in Spanish 0000 GMT 26 Sep 92

[Excerpts] Renewal Party leader Julio Lagos and Alfonso Marques de la Plata, former minister under the military regime, today gave their support to Army Deputy Commander Jorge Lucar at the Army Command headquarters.

Quiet prevailed today at the Army Command headquarters. Various generals arrived at 1300, allegedly for a meeting. Army Deputy Commander Jorge Lucar held separate meetings with two civilians who conveyed to him their solidarity in what they called a smear campaign against the Army. [passage omitted]

Marques de la Plata, who went to the Army Command in his capacity as former minister under the military government, said that an interview broadcast by Television Nacional is part of the campaign against the Army.

[Begin recording] [Unidentified correspondent] Who are the officials of Television Nacional to be blamed—the director, the board?

[De la Plata] No, I am just saying that a permanent attitude against the Army has prevailed for a long time. [end recording]

Regarding this issue, Jorge Navarrete, executive director of Television Nacional de Chile, today released the following public declaration:

The Army yesterday released an official communique in relation to the interview given by a person, whom the Army describes as an alleged former Army intelligence member, that was broadcast on 22 September during the 24 Horas newscast.

This communique, despite its length, avoid all the categorical statements made by this person. However, the many qualifying adjectives and the repeated presumptions reveal a deliberate attempt to disqualify the credibility of Television Nacional de Chile and the professionalism of its journalists.

I feel compelled to immediately reply to the Army communique in defense of the moral standing of Television Nacional and the honor of its employees.

1. In its statement the Army does not reject any of the essential events made public by the interviewer, and which can be summarized in the following points:

The building located on Garcia Reyes Street is used by the Army Intelligence service. Former CNI [National Intelligence Center] members transferred to the Dine [Army Intelligence Directorate] work in this building. As of the date of the interview, electronic equipment used to record conversations on cellular phones were kept in this building.

2. The Army implicitly admits to tappping telephones in order to comply with its mission, although it reaffirms that it does not tap phones in an attempt to interfere with peoples' privacy. It does not specify, however, in reference to this last statement, when and who determines that a phone tap invades a person's privacy.

3. The communique insists that the interviewee was not identified. This is false. Television Nacional demanded that the true identity of the interviewee be disclosed in order to broadcast the interview. Furthermore, it demanded that he testify before the special judge hearing the case.

The judge has ordered an investigation into the information released, which—despite legal restrictions—is expected will clarify everything.

It is up to the court to determine whether a crime has been committed and who is responsible. Television Nacional did not reveal the identity of its interviewer, because doing so violates journalistic ethics. Besides, in this case, there is a strict prohibition issued by Judge (Alberto Cheno).

4. The Army states that Television Nacional reported the event as an unproven situation. This is false. Television Nacional took all the appropriate measures in this case, as in another newscast, to responsibly assure the public that the events were true.

5. Television Nacional will not respond to the number of comments and gratuitous assumptions it was charged with quote, doctoring news items, a smear campaign, seditious machination, misleading questions, boldness and lack of prudency, malicious procedures, a clumsy fabrication, a clear act of provocation, and perverse objectives, unquote. These statements do not manage to cover the evident lack of arguments, and besides, they are beneath the dignity of two state institutions.

Television Nacional will continue to report on this case or any other news in a true, complete, and timely manner within the framework of the law and the court's rulings by using all available information. Finally, we want to reiterate that Television Nacional is an autonomous, true, and independent media company. This is the way the country sees us, and this commits us to continue in this manner, no matter who it may bother. We know that it will be proved that what we have done in this case serves the nation, and also the Army.

Navy, Air Force Condemn Accusations

PY2609185092 Santiago Radio Chilena Network in Spanish 1100 GMT 26 Sep 92

[Text] The Navy has condemned the accusations of telephone tapping—in which the Dine [Army Intelligence Directorate] is allegedly involved—broadcast on television. Captain Gustavo Marin, the Navy's public relations director, stated that this action was a sensationalist and rash manipulation of news.

[Begin Marin recording] The Navy strongly condemns the procedure used to inform the public of some information, which, because of its high sensitivity, obviously affects our country's security. [end recording]

Marin pointed out that even if one presupposes the truth of those statements, the accusation should have been channeled through the appropriate institutional and legal channels. He added that the method used by Channel 7 journalists was unduly daring, and he called such action partial and unilateral.

The Navy communique underlines the fact that in light of the stable atmosphere prevailing among the Chilean public and in private groups, these matters are most serious.

The Navy states that the Army should by highly respected for its role as an organization that contributes to the development of our country.

[Begin Marin recording] The Navy wishes to acknowledge its deepest gratitude to the Chilean Army, which in turn must be held in the greatest respect, for it is not only an essential organization [words indistinct] but it also has greatly contributed to the development of our country. The Navy utterly repudiates any action, whether in form or substance, that seeks to besmirch the Army's name. [end recording]

In conclusion, the Navy communique states that the intelligence reports broadcast by the television station are most confidential and therefore such action falls under the field of political conspiracy.

General Ramon Vega, Air Force commander in chief, pointed out that one should not mix up public security organizations in a one-time event such as the telephone spying case. He added that the Air Force is in no way involved in telephone tapping and that commanders in chief should know what is going on in their respective forces.

[Begin Vega recording] We are confronted with a problem that seriously affects our national security and the information services belonging to our defense institutions, which are essential, highly complex, and sensitive. Honestly, it is not worth analyzing in this way. It is a grave matter, and something very important for us. Therefore, one should not involve—I repeat, one should not involve—our system and national security in a situation which arose as a result of the telephone spying case. [end recording]

When told that the name of the person who made the accusation is known and that he is an Army officer, Gen. Vega stated that much remains to be investigated and proved. Gen. Vega made these statements after his meeting with Economy Minister Carlos Ominami to sign a contract between the government and the Air Force Air Photography Division.

Correa Sees 'No Crisis'

PY2709225292 Santiago Television Nacional de Chile Imagen Internacional in Spanish 0000 GMT 27 Sep 92

[Excerpt] Enrique Correa, the minister secretary general of government, has said that as institutional channels do exist, there is no crisis in the disagreement between the Army and Television Nacional. The minister said this in reponse to questions on this issue during a news conference in Iquique.

[Begin Correa recording] There are institutional channels to resolve all conflicts. We have made permanent calls to resolve this issue peacefully, with serenity. This is what we told the Army and Television Nacional. And I repeat, this is not the time to overreact.

This is, of course, a delicate issue. It is delicate because it involves security aspects, as has been mentioned here. Nevertheless, it also involves the right of every Chilean to privacy.

Chileans possess strong feelings regarding freedom. Any risk of being spied upon elicits a strongly negative reaction. From this viewpoint, there are legal channels, such as the Chamber of Deputies Investigating Committee, to clear up any doubts that could have arisen in this regard. As there are institutional channels, there is no crisis.

The Army has exercised its right to express its opinion, and the television channel has exercised its right to freedom of expression.

This government will always protect everyone's rights, and will not allow anyone to obstruct freedom of expression. [passage omitted] [end recording]

Police Clash With Opposition Leaders, Students

PY2609130492 Santiago Television Nacional de Chile Imagen Internacional in Spanish 0000 GMT 26 Sep 92

[Excerpts] Some incidents occurred today outside the Army Intelligence Directorate [Dine] on Garcia Reyes Street. Carabineros did not allow any demonstrations, claiming that such action would obstruct pedestrian traffic.

The activities at Dine were normal until noon today. At that time Communist Party leaders tried to demonstrate outside the building. After an unfruitful dialogue, they were taken to the 3d Police Precinct in a Carabineros van.

Four Party for Democracy youth leaders also were expelled from the site as they tried to read a declaration in which they condemned the telephone tapping. [passage omitted]

The incidents concluded with the arrest of members of the Manuel Rodriguez Patriotic Movement, who were not allowed to demonstrate outside the Dine. Carabineros again claimed that they obstructed pedestrian traffic and caused disorder.

Meanwhile, Carabineros and students from private universities clashed outside a Dine building in Santiago. Students from the Andres Bello and Portales Universities and from the (Itesa), and (Alpes) Institutes gathered outside a Dine building on Grajales and Republica Streets. They stated that plainclothes armed personnel harassed them. [passage omitted]

The students held a peaceful demonstration. After an exchange of words between Carabineros and student leaders, the students continued to shout slogans. The students dispersed when the special forces turned water cannons on them. Five students were arrested because at approximately 1245 the clashes continued. [passage omitted]

Interior Minister on Drug Agreement With U.S.

PY2809140292 Santiago Radio Cooperativa Network in Spanish 2300 GMT 25 Set 92

[Text] Chile and the United States have signed a $200,000 agreement to fight drug trafficking.

During a solemn ceremony at the Interior Ministry building, Interior Minister Enrique Krauss noted the scope of this agreement:

[Begin Krauss recording] With these resources we can finance projects to prevent the consumption of drugs and programs to train personnel of the organizations engaged in this struggle to draw up, organize, and implement programs to combat drug trafficking. [end recording]

The minister noted that no country is free of this scourge.

[Begin Krauss recording] This agreement represents a great contribution to the efforts we are making with resources from our budget, specifically for preventive programs in the education field and rehabilitation programs in the health field. [end recording]

Representatives of the Carabineros, the Investigative Police, the Customs Department, U.S. Ambassador Curtis Kamman, and DEA Director Patricia Collins attended the ceremony.

Colombia

Senate Abolishes Pardon, Amnesty for Kidnapping

PA2509182692 Santa Fe de Bogota Inravision Television Cadena 1 in Spanish 2300 GMT 24 Sep 92

[Report by Javier Dario Restrepo in Santa Fe de Bogota]

[Text] Congress is about to penalize guerrilla groups by refusing to grant a pardon or amnesty for the crime of kidnapping. Liberal Party and Conservative Party senators have announced the approval of this article in the law against kidnapping. Former guerrilla members are afraid this will become an obstacle for peace.

Many men have been kidnapped by the guerrilla groups. They must have asked the same question the Senate commission asked on 24 September: Can a pardon and amnesty be granted to guerrilla members who kidnap people?

[Begin Senator Roberto Gerlein recording] Kidnappings prove without doubt the guerrillas' lack of morals because they must harm unarmed people, defenseless citizens, professors, women, and children. As a principle, as a juridical definition, mankind has strived to humanize the conflict. As these actions are unavoidable, some of them should be excluded from all benevolent treatment, precisely to protect man's dignity. [end recording]

Senators from the traditional parties obviously agree on the need to reject kidnapping as a political weapon. Those who belonged to the Popular Liberation Army [EPL] and the 19 April Movement [M-19] think differently.

Camila Michelsen and Alvaro Gomez are the M-19's most well-known cases. Now that the M-19 and EPL members have returned to civilian life, they have been able to participate in the debate.

[Begin recording] [Restrepo] Would you approve the law rejecting a pardon and amnesty for guerrilla members who kidnap people?

[Senator Vera Grabe] We think that door should be left open. A pardon is a door which should be left open because the peace processes are at stake. [end recording]

Government Decrees Release of M-19's Chalita

PA2909043292 Santa Fe de Bogota Inravision Television Cadena 1 in Spanish 2300 GMT 28 Sep 92

[Text] The national government has decreed the release of Marcos Chalita, the 19 April Movement [M-19] leader arrested two months ago on charges of illegal weapons possession. To grant the former Constituent Assembly member's release, the executive branch decreed a new amnesty. The decree, which went into effect on 28 September, bears the signatures of President Cesar Gaviria and the ministers of government and justice.

Chalita was arrested in Neiva in July and transferred to Santa Fe de Bogota, where he was held at the Directorate of Judicial Police and Investigations jail. The M-19 leader's arrest generated a number of protests from the M-19, such as the occupation of the Costa Rican Embassy and the M-19 congressmen's stay of several days at the Senate.

Marcos Chalita's release from prison depends on an official notice from the government and from the judge who investigated the case.

DAS, Police Say Cartel Ordered Agents Killed

PA2909001292 Santa Fe de Bogota EL TIEMPO in Spanish 23 Sep 92 pp 1A, 8A

[Text] Police and the Administrative Department of Security [DAS] have claim that the deaths of 13 secret agents last week in Antioquia Department confirm that a systematic attack has begun against the state intelligence service. Spokesmen for the two institutions noted this after learning of the murder of DAS Detective Nelson Javier Pena Betancur, who until 16 September worked as a bodyguard for Sixth Public Order Judge Myriam Rocio Velez Perez.

Based on information gathered inside Medellin's networks of paid assassins, our sources told EL TIEMPO on 22 September that the Medellin drug cartel ordered the elimination of secret agents working for the police, DAS, and military intelligence.

"We know these hired killers were paid large sums of money to locate the plainclothes agents who conduct undercover operations against organized crime," our sources indicated. Police agents Carlos Mario Zapata, Julio Pedraza Cadena, Alexander Bocanegra Arroyo, Carlos Quintero Salazar, Gabriel Ospina, and Leonardo Anchioco Diosa were murdered in Medellin between 10 and 18 September. All belonged to the Police Judicial and Investigation Division of Medellin's Metropolitan Police. On 18 September, DAS agent Hector Solano Uribe was shot dead. On 19 September, bodyguards Isidro Forero Mesa, Javier Gomez Betancur, and Dorance Bohorquez Bedoya were killed in the attack on the faceless judge.

The DAS agent killed on 22 September was shot dead by hired killers outside his mother's house in Bello Municipality, north of Medellin. Pena Betancur was shot at 1400 in El Congolo Neighborhood when two young men wearing warmup suits rode by on their bicycles and intercepted Pena's Toyota car, license plate KE 7810. The unidentified assailants took out two short range weapons and opened fire on the agent, who died on the way to the Marco Fidel Suarez Hospital.

Eyewitnesses indicated the agent was shot twice in the head and four times in the bulletproof vest he was wearing at the time of the attack. The authorities noted the killers of the DAS agent are two murderers who were hired in Bello and have been identified. The search for the murderers was intensified on 22 September in northern Valle de Aburra.

Medellin Municipality promised to donate 15 motorcycles and some armored cars to be used exclusively by faceless judges. The Judicial Branch interpreted the decision as the first step in reinforcing the security of its personnel in this area.

In this way, contacts initiated by Ricardo Perdomo Lince, Antioquia Department's regional prosecutor, with civilian, military, and police authorities to adopt more effective measures to protect the faceless judges, have begun to bear fruit after the murder of Myriam Rocio Velez Perez, sixth public order judge, and her three bodyguards.

Perdomo said that two armored cars sent from Santa Fe de Bogota to provide security for officials in the Prosecutor's Office arrived on 22 September.

Perdomo reported that Sixth Public Order Judge Myriam Rocio Velez Perez, who was murdered by hired killers along with her three bodyguards, always rejected an armored car offered to her by the Antioquia Department Regional Prosecutor's Office and preferred DAS bodyguards because, according to her, she felt safer being protected by that institution.

"We have heard rumors that six months ago Mrs. Velez received a telephone call from someone who told her to take care of herself. Since the creation of the Public Order Jurisdiction and, later, the Prosecutor's Office, no official has reported having been threatened," he said.

Peace Summit To Set Rules for Resuming Talks

PA2709002092 Santa Fe de Bogota Inravision Television Cadena 1 in Spanish 1700 GMT 26 Sep 92

[Report by Patricia Uribe in Paipa]

[Text] The government began evaluating the guerrilla peace process and its prospects in Colombia here at the Paipa Convention Center. Attending the summit were Defense Minister Rafael Pardo Rueda, Deputy Government Minister Hector Riveros Serrato, presidential peace adviser Horacio Serpa Uribe, representatives from international organizations, political and union leaders, as well as former fighters. The summit, called Peace Policy, seeks to find positions that encourage and defend future cease-fire talks with the guerrillas with a true resolve for dialogue.

[Begin recording] [Serpa Uribe] Dialogue is an instrument to help outline the agreements, which if attainable will overcome the problem of the guerrilla movements. If the guerrillas do not agree to work within these parameters then why waste time talking? Why drag this out? Why frustrate even further the Colombian people's hopes? We favor dialogue, we favor a negotiated political solution, we favor that this useless war be resolved through agreements, without bloodshed, but we need to be able to talk to someone.

[Pardo Rueda] Recent guerrilla actions, which have set the current conditions and circumstances, demonstrate their lack of resolve for peace. [end recording]

In the next two days, the government will outline the basis for peace policies and will demand from the guerrillas simple truths on their social and economic requests before renewing the fifth round of talks on 31 October.

FARC Group Urges Renewed Talks

PA2809165292 Santa Fe de Bogota Emisoras Caracol Network in Spanish 1200 GMT 28 Sep 92

[Text] Arauca—The 10th Front of the Revolutionary Armed Forces of Colombia [FARC] operating here has said there are conditions for resuming peace talks with the government. In a message sent to a peace forum in Arauquita, the FARC called for a resumption of the talks before the confrontation reaches the point of no return.

State Council Defers 'Illegal' VAT Increase

PA2809223292 Santa Fe de Bogota Inravision Television Cadena 1 in Spanish 1630 GMT 28 Sep 92

[Excerpts] The increased value added tax [VAT] that restaurants, laundries, and other services have been collecting has been deferred. The State Council has confirmed that it is illegal, and consumers can now demand that the VAT be reduced.

With the deferment of the VAT's expected 12 percent increase, restaurants and other services have until 2 October to change all price lists that reflect the increase. Due to the government's vagueness, however, many people are still paying the 12 percent VAT. Consumers are still paying 1,670 pesos for a broth that should cost 1,530 pesos. [passage omitted]

Restaurants and other services must continue to charge a 4 percent VAT until 1 January 1993, the date on which they are authorized to begin charging the 12 percent.

Ecuador

Defense Minister on Containing Shining Path

PA2609032492 Quito Voz de los Andes in Spanish 1130 GMT 25 Sep 92

[Text] Without giving any details, President Sixto Duran-Ballen said the government is taking measures to prevent Shining Path members who are fleeing after their top leaders were captured from entering Ecuador.

Defense Minister General Jose Gallardo Roman told reporters: We are taking the necessary actions, coordinated with neighboring countries, to prevent their disbanding from having repercussions in our country. Gallardo pointed out that there are no signs of armed groups reemerging in Ecuador, despite the five attacks with explosive devices carried out against five government offices in the past month.

[Begin Gallardo recording] We are conducting an investigation to determine who is behind these actions. Measures will be taken according to the law.

[Unidentified correspondent] Are there any suspects?

[Gallardo] Naturally, we cannot give out information on possible suspects.

[Correspondent] Do you think subversive groups are responsible for these actions?

[Gallardo] We do not know if organized subversive groups have perpetrated these attacks or if the bombs were detonated by individuals acting on impulse. Anyway, these actions harm the country. I want to ask our people to preserve peace. Peace is a great good, the true value of which can often be appreciated only after it has been lost. Then everyone is a loser. Countries generally slide toward violence, and in the end they reach the conclusion that nothing has been gained. Only destruction and death remain.

[Correspondent] Is the situation under control?

[Gallardo] I think the situation is under control. Yesterday the Armed Forces and the National Police demonstrated their loyalty in preserving peace calmly and prudently but firmly.

[Correspondent] Were the Armed Forces instructed by the president to deploy military forces throughout the country?

[Gallardo] That is a duty of the Armed Forces, and the Public Force in general.

[Correspondent] Has a state of emergency been established?

[Gallardo] No. There would be a state of emergency if we had established a curfew, right? There would be press censorship also. But there has been nothing of the sort. Consequently, there is no state of emergency.

[Correspondent] What about the presence of guerrillas in the country, Mr. Minister?

[Gallardo] I cannot say; otherwise, I could be making a mistake.

[Correspondent] [Words indistinct]

[Gallardo] The people's peace is fully guaranteed.

[Correspondent] Is there a danger of the capture of Shining Path leaders having repercussions in Ecuador and those armed people crossing the border into Ecuador?

[Gallardo] We are taking the necessary actions to prevent those repercussions.

[Correspondent] Are actions being taken with the Peruvian Government to prevent such things?

[Gallardo] The necessary measures are being coordinated with neighboring countries. [end recording]

Duran-Ballen Returns From U.S. Visit 27 Sep

PA2809193892 Quito Voz de los Andes in Spanish 1130 GMT 28 Sep 92

[Text] President Sixto Duran-Ballen announced that international credit organizations based in the United States pledged to speed up the disbursement of loans granted to this country for social and economic development programs. He said: I asked the directors of the Inter-American Development Bank, IDB, and AID to expedite processing of the loans granted to Ecuador. We also discussed topics of common interest in Latin America.

Duran-Ballen and his wife, Josefina Villalobos, returned to the country at 1830 on 27 September aboard the Guayaquil Air Bus that flew in from Miami. President Alberto Dahik, the acting foreign minister, the defense and public works ministers, and the entire General Staff were on hand to welcome him. A battalion of the presidential escort gave a military tribute. Afterward, President Duran-Ballen signed the executive decree resuming his duties in the VIP room of Mariscal Sucre Airport.

Talking to the media, he commented on the situation of Ecuatoriana de Aviacion Company. He said his obligation is to ensure that it fully performs its specific duties. We all want the Ecuadoran carrier to continue flying, he added, without going into details. He stated that the primary objective of his trip to New York was to participate in the UN General Assembly. He then noted that the U.S. assistant secretary of state for inter-American affairs had the courtesy to fly from Washington to discuss topics of great interest to Ecuador.

Duran-Ballen said that in his speech at the United Nations he called for more positive action from the industrialized nations to help developing countries. He also conveyed to the U.S. assistant secretary our country's urgent need for U.S. economic aid. While in New York, Duran-Ballen met with IDB President Enrique Iglesias. They talked about how procedures for granting loans to the country are working. He also said the Ecuadoran Government has not made a final decision on whether or not to stay in OPEC. He said: Ecuador's decision to remain or withdraw will have both positive and negative aspects that must be properly analyzed once I receive a report from Andres Barreiro, energy and mines minister. We will make our decision following the OPEC meeting in Geneva, the president added.

Talking about some of his other activities while in the United States, the president stated that out of respect for Ecuadoran citizens living in that country, the government will offer its full support to the Supreme Electoral Tribunal so foreigners living in Ecuador can participate in general elections beginning in 1994. He also announced that he will soon submit a bill to Congress to grant dual citizenship to Ecuadoreans living abroad.

Labor, Human Resources Minister Views Strike

PA2509142892 Quito Voz de Los Andes in Spanish 1130 GMT 24 Sep 92

[Excerpt] Alfredo Corral Borrero, labor and human resources minister, stated the country survived a tense day on 23 September due to the strike called by the United Workers Front, FUT. According to the minister, the government is not interested in assessing the success of the strike.

[Begin Corral recording] This has been a long day for the workers. The government has been and is conscious of the people's anguish. We are happy to reiterate, once again, the government's call—with the workers and the other organizations of the country—to resolve the serious problems facing the country.

We reiterate our call that constructive work, maintenance of the people's peace, and dialogue is the proper method for discussing and resolving the problems described by the workers. [end recording] [passage omitted]

President Calls For Dialogue

PA2509163292 Quito Voz de los Andes in Spanish 1130 GMT 25 Sep 92

[Text] President Sixto Duran-Ballen stated before leaving for the United Nations that the national strike called by the United Workers Front did not reflect the Ecuadoran people's feelings. The country showed it wants peace and not violence, he stressed.

[Begin Duran-Ballen recording] In general terms, I believe the country has realized that to start all over again, a momentary sacrifice from the entire nation is necessary. [end recording]

Duran-Ballen also referred to the workers' intentions of paralyzing the country every 15 days to reject the government's economic policy.

[Begin recording] [Duran-Ballen] If this could change Ecuadoran structures in order to recover what we have lost during the past decades, I would be the first to be at the front of those marches and demonstrations. I believe, however, that all Ecuadoreans agree this will not produce positive results. Demonstrations and destruction of property will not suddenly improve the country's financial situation. The state cannot—and you as journalists must help us convince the Ecuadoran people—resort to the old tactic of the Central Bank issuing money to satisfy [words indistinct]. Such measures would be detrimental to the Ecuadoran people. Together, through dialogue, we will decide what is feasible. The attitude of all Ecuadoreans, all of you, all of us, should be to try to obtain what is feasible, not to demand the impossible.

[Unidentified reporter] [Words indistinct]

[Duran-Ballen] We have reviewed two or three. We will review measures when really necessary, but we will not do this just for the sake of reviewing them or due to pressures. We will not review measures if our conscience and our knowledge of the nation's problems as part of a government team advises us it would mean away from the path we believe the country should follow. [end recording]

Paraguay

Colonel Testifies on Stolen Car Trafficking

PY2409211692

[Editorial Report] Asuncion ABC COLOR in Spanish on 22 September on pages 2-4, and on 23 September on pages 2-5, publishes the 8,400-word text in two parts of Colonel Luis Catalino Gonzalez Rojas' court testimony on car trafficking in the Chaco region.

In the first part of his testimony Col. Gonzalez confirms he had knowledge that "crimes of smuggling, rustling, bribery, car theft, and illegal car trafficking allegedly occurred in the jurisdiction of Captain Joel Estigarribia and Major Infante Rivarola in the Paraguayan Chaco region."

Col. Gonzalez says he took over as commander of the 4th Infantry Division on 11 May, replacing Brigade General Lorenzo Carrillo Mello, and adds that on 12 May he began a tour of the area under his jurisdiction in the company of Chief of Staff Colonel Cirilo Velazquez. Col. Gonzalez says that Infante Rivarola Commander Lieutenant Lino Riquelme Duarte "commented that Gen. Carrillo used to authorize the passage of vehicles through the area, and that Carrillo was responsible for collecting dues from traffickers in Asuncion, adding that the garrison also charged additional dues." Col. Gonzalez says he ordered "all trafficking totally forbidden as of today."

Col. Gonzalez says "he reported the irregularities to Army Commander General Humberto Garcete on 19 May" and to Division General Emilio Osvaldo Balbuena, the 3d Army Corps commander based in Mariscal Estigarribia, on 26 May.

Col. Gonzalez says that "on 16 July he received a note signed by Elio Masagrande reporting that car trafficking was occurring through his property. An area map and the copy of a telegram sent to Juan de Dios Martinez, forbidding him to pass through his property, was attached."

Col. Gonzalez says that on 20 July he returned to Infante Rivarola, where Commander Riquelme told him that "two vehicles had passed through, and that he charged the drivers $1,500 for each vehicle." Col. Gonzalez says he immediately placed Riquelme under arrest, replacing him with Lieutenant Milciades Lopez.

Col. Gonzalez' testimony says that on 5 July he investigated an area near the border with Bolivia, finding a group of traffickers who fled into Bolivia leaving behind "various personal effects." Col. Gonzalez says that "on 8 August he personally presented his report and the inventory of what was seized at the border to Gen. Balbuena," adding that Balbuena treated him harshly, particularly about "the finding of Carlos Manuel Maggi Rolon's personal documents."

Col. Gonzalez then says that on 10 August he went to see Gen. Garcete, carrying with him the personal effects found during his raid at the Bolivian border. Gonzalez says that Garcete "introduced him to two individuals in his office, and that one of them identified himself as Juan de Dios Martinez." Col. Gonzalez says that "Martinez demanded the return of his bag and revolver right in front of Garcete" and that he refused because the bag's contents were part of the evidence.

Col. Gonzalez adds that Gen. Garcete "accused Martinez and the other individual of being responsible for car trafficking in the Chaco, ordered them not to return to the area," and suggested the use of a legal expert to conduct an inquiry.

The testimony says that the military court assigned Captain Felipe Mercado to the case, adding that during Col. Gonzalez' first meeting with Mercado, Col. Gonzalez was advised of "the visit by Juan de Dios Martinez and Carlos Maggi Rolon, who reiterated their request for the return of the bag and revolver" that he had seized as evidence in the Chaco.

The testimony says that Mercado then advised Col. Gonzalez that "he was getting into something big, which

could not benefit him, and that he already had participated in several investigations involving Martinez" that had ended in nothing. Col. Gonzalez says that under the circumstances he felt the need to "carry all the evidence to the Cossia Public Notary offices for a detailed account," and to register his report.

Col. Gonzalez says that on 12 August he learned that Mercado had been taken off the case, and that from now on the investigation would be conducted by 3d Corps Commander Gen. Balbuena, who asked him to come to Mariscal Estigarribia for a meeting. Col. Gonzalez says that "Gen. Balbuena treated him harshly, saying that his report was all wrong and that he was only getting himself involved in problems."

In the second part of the testimony on 23 September, Col. Gonzalez says that on 13 August "Gen. Balbuena handed him a copy of the order to conduct an inquiry on irregularities in Infante Rivarola."

Col. Gonzalez says that on 18 August, Juan de Dios Martinez came to see him offering "to pay him as much as he wished to settle the issue." Col. Gonzalez testified that Martinez said he had been operating in car trafficking since General Eduardo Sanchez was the commander and that he met Gen. Garcete at about that time. According to the testimony, Martinez said he trafficked about 300 vehicles during that period.

Col. Gonzalez says that on 18 August he asked Gen. Garcete's permission to speak with the commander in chief, that is, President Andres Rodriguez, adding that on 19 August he came to the commander in chief to verify if he had an audience.

Col. Gonzalez says that General Regis Romero called him to his office to try to convince him not to see Rodriguez. Gonzalez says that "Regis Romero then called Gen. Balbuena," who in turn called Gen. Garcete "and the three tried to prevent him from seeing the commander in chief, asking him to take his things back to his post and stay quiet waiting for his promotion at the end of the year." Col. Gonzalez says he refused and that he was then told he would be relieved of his duties. But I "exhibited the document registered at the notary public and warned them of the consequences."

Col. Gonzalez says that "Gen. Garcete then had Juan de Dios Martinez called to his office" to question him "in front of Rear Admiral Andres Legal Basualdo, Military Supreme Court president, and Division General Eumelio Bernal, chief of general staff." Col. Gonzalez says that Martinez admitted to having been active in car trafficking for a long time and to having worked for Gen. Garcete.

The testimony says that Gen. Garcete interrupted, shouting: "He lies!, explaining that former President Alfredo Stroessner had authorized the activity when Gen. Sanchez was the commander."

Gen. Bernal then asked Martinez about his modus operandi. Martinez answered that "3 million guaranies were paid for each vehicle to pass without being molested but added that the charge was later raised to 5.5 million guaranies and that the money was handed to Mariscal Estigarribia customs officer Villanueva." Martinez added that "2 million went to the Army Corps, 1.5 million to the 6th Division, and the rest was distributed among custom officers." The testimony says that Gen. Bernal walked out of the meeting as soon as he heard this.

Col. Gonzalez says that on 20 August, First Lieutenant Bartolome Mendez of the 1st Army Corps was appointed legal adviser to conclude the inquiry.

The document says that at this point the court asked Col. Gonzalez to recognize as authentic a series of documents pertaining to the inquiry conducted by him and Bartolome Mendez. The testimony says that Col. Gonzalez recognized all the authenticated copies and added that "on 27 August he made two copies of the report and handed one of them to Gen. Garcete."

Col. Gonzalez says that on 3 September, Gen. Garcete told him that he was "under restrictive arrest and that he had been replaced." The testimony says that Gen. Garcete said to Col. Gonzalez that he had been charged with "slander against Gens. Humberto Garcete, Emilio Balbuena, Marino Gonzalez, and Regis Romero."

Col. Gonzalez' testimony ends with questions asked by the court seeking to clarify charges, responsibilities, and proceedings mentioned in the inquiry.

Police Chief Implicated

PY2409223092 Asuncion NOTICIAS in Spanish 24 Sep 92 pp 2, 3

[Excerpts] As a result of a police operation, several vehicles of dubious origin were seized yesterday at a warehouse and a body shop in Asuncion. A search warrant was issued by Criminal Judge Nelson Mora, who also ordered the arrest of the alleged criminals. A probe into the car-trafficking business is being conducted and it is thought that Police Inspector Luis Ibarra—who already is under arrest on the orders of his superiors—and other influential people might be implicated in this crime. [passage omitted]

Commenting on yesterday's operation, Deputy Francisco Jose de Vargas, who sits on the congressional committee that investigates crimes, said that he had time and again publicly stated that "car thieves were hand in hand with senior police officers. I informed the chief of police (General Francisco Sanchez) about this on several occasions. Some congressmen can bear witness to the fact that I told the chief of police that some heads of Asuncion police precincts are implicated in the car-trafficking business. Notwithstanding this, the chief of police did not even bother to write down the names of those police officers or the number of the police stations

they head. What we found today clearly shows that car thieves work hand in hand with some police inspectors and that these criminals are found here precisely because of police corruption. I wonder how it is possible that I, merely an ordinary citizen, have learned about this link while the chief of police himself has not. Why hasn't he intervened in this affair, then?"

When NOTICIAS asked De Vargas whether he is holding the chief of police responsible for this crime, De Vargas came straight out with a point-blank answer: "Honestly, I believe so." [passage omitted]

General Garcete Willing To Testify

PY2409231892 Asuncion ABC COLOR in Spanish 24 Sep 92 p 4

[Text] "I am willing to attend the summons of any judge, be it from ordinary or military justice, to clarify this situation because I am the person who is most interested in clarifying this case," Army Commander Division General Humberto Garcete said 23 September.

The general was referring to the charges raised against him by Colonel Luis Catalino Gonzalez Rojas in his court testimony about the illegal trafficking of stolen cars to Bolivia.

In reply to a question, Garcete said he did not know the so-called "Big Head," a man of allegedly great influence and the brains behind the stolen car trafficking mentioned by Col. Gonzalez Rojas in his testimony. "I do not know who he is; I do not consider myself a 'big head'," Garcete said.

The Army commander reiterated that he did not know or maintain any commercial ties with Juan de Dios Martinez, who is currently at large and one of the main people charged with trafficking in stolen cars.

He said that when Juan de Dios Martinez was in his office during the presence of Col. Gonzalez Rojas he did not arrest him because he did not have evidence. "Martinez also visited Gonzalez Rojas' office and he also did not arrest him," Garcete said.

When asked how it is that Martinez was once located through the military intelligence services and that now he cannot be found, Garcete said: "Because I had his phone number, but he is no longer there."

The Army commander was interviewed several times last night during his military duties. In an interview, he attributed Col. Gonzalez Rojas' charges to political interests.

"The military problem has been taken advantage of to use it in the political field, to attempt to manipulate the Armed Forces," Gen. Garcete said.

However, he did not specify who is manipulating the facts. "Well, I cannot make declarations. I am just doing this because I do not want to avoid responsibility and because I am most interested in clarifying this case," he said.

When asked why he said that a political advantage was being sought through the charges raised by Col. Gonzalez Rojas, Garcete said: "Leave this to me. They are taking advantage of a case involving a military man to attempt to destroy the Armed Forces' prestige."

"You do not know the danger society may run if the Armed Forces are discredited or destroyed. Remember me, you destroy the Armed Forces with your statements—the media and all those people who make hasty judgments of the Armed Forces, harming people's reputations—and then you will see what happens," the military chief warned the media.

When Gen. Garcete was asked his opinion about the charges made by retired Colonel Victorino Amarilla about drug trafficking in the Chaco region, he either abruptly ended the interview or answered evasively.

"I know nothing (about drug trafficking), but just imagine, who would think that the DEA would not have intervened when it learned of a case, as stated by Col. Amarilla. Why is Col. Amarilla making these charges just now and why did he not make them at the appropriate moment?" he said.

When told that the U.S. Embassy confirmed that drug trafficking activities occurred in the Chaco region, Gen. Garcete abruptly ended the interview. "You know, I do not want to get off the subject. I thank you for the opportunity you gave me to express to the citizenry that I am the main person interested in clarifying this case," Garcete said.

Officers in Custody

PY2509000292 Asuncion ABC COLOR in Spanish 24 Sep 92 p 5

[Excerpt] The office of the Armed Forces commander in chief has informed Judge Angel Barchini that Lieutenant Lino Riquelme and Sub-Lieutenant Milciades Lopez Florentin, of the 4th Infantry Division, are under arrest at the Military Justice Service Directorate. This information was given within the framework of investigations into the case of the trafficking of stolen vehicles to Bolivia.

In the note, signed by President Andres Rodriguez in his role as Armed Forces commander in chief, the Supreme Military Court president, Rear Admiral Andres Ramon Legal, says that the aforementioned officers are under preventive custody in compliance with Resolution No. 1492 dated 18 September.

The note states that the arrest was ordered by military Trial Judge Francisco Torales in the case investigating the smuggling of automobiles and trucks allegedly involving border detachments in the Chaco region.

The Armed Forces note is in response to an arrest warrant issued by Judge Barchini against the officers after the charges filed by attorneys Hermes Rafael Saguier and Francisco Gonzalez Rojas (brother of Colonel Luis Gonzalez Rojas) for alleged trafficking of vehicles, cattle rustling, bribery, and unlawful association for criminal purposes.

Riquelme and Lopez Florentin admitted to Col. Gonzalez Rojas having accepted large sums of money (up to $1,500) to allow stolen vehicles into Bolivia. According to the charges, the colonel dismissed the officers and immediately drew up an indictment for the crimes perpetrated. [passage omitted]

Arrest of Carrillo Melo Ordered

PY2409220092 Asuncion ULTIMA HORA in Spanish 24 Sep 92 p 15

[Excerpt] Shortly before sending this issue to print, it was learned that—as a result of the statement that Colonel Luis Catalino Gonzalez Rojas made at the court headed by Judge Jose Agustin Fernandez—the judge ordered the arrest of retired General Lorenzo Carrillo Melo. Gonzalez Rojas had replaced Carrillo Melo as commander of the 4th Infantry Division headquartered in Joel Estigarribia.

The judge also ordered the arrest of Juan de Dios Martinez, Carlos Manuel Maggi Rolon, and Lieutenant Lino Riquelme.

The judge summoned the following generals to provide information: Army Commander Humberto Garcete; Anibal Regis Romero, chief of the Presidential Military Household; 3d Army Commander Emilio Balbuena; and Rear Admiral Ramon Legal Basualdo, who is the Supreme Military Court president. The judge stated that the generals and the rear admiral must supply the requested information in writing, since they are chiefs of military institutions. [passage omitted]

President Wants All Guilty Parties Punished

PY2509235892 Asuncion ABC COLOR in Spanish 25 Sep 92 p 4

[Text] Attorney General Luis Escobar Faella announced yesterday that President Andres Rodriguez wants all everyone involved in cases of corruption or other illegal activities punished with the full weight of the law. The president invited Supreme Court Justice Jose Alberto Correa and Congressional President Gustavo Diaz de Vivar to Government Palace to ask them, as heads of the other branches of government, to conduct a deep and coordinated investigation into all reports, including those involving high-ranking military commanders. Rodriguez called for the punishment of everyone responsible, be they civilians or military men.

The attorney general and Colorado Party President Blas N. Riquelme also attended the meeting.

As they were leaving the palace, Diaz de Vivar and Riquelme told reporters that the authorized spokesman was Judge Correa. The third person to leave the palace was Escobar Faella who said that President Rodriguez advocated "the most thorough investigation of all reports, indepth investigations, and a maximum effort to coordinate and clarify all illegal activities and to use most effectively all available resources to fight corruption."

Asked if the president's call referred to cases involving high-ranking military chiefs, Escobar Faella answered: "All cases, all cases in general. Every single case."

Escobar Faella said that Rodriguez wants all those found guilty to be punished. "He (Rodriguez) personally guaranteed his political disposition and decision to punish those found guilty and to respect completely the decisions of the courts, be they civilian or military," the attorney general added.

Supreme Court President Jose Alberto Correa later confirmed what the attorney general said about the president's wish to coordinate all efforts in exhaustive investigations into all illegal activities. "The president wants all reports to be investigated and all those found guilty to be punished, whether civilian or military," Correa said.

Asked about the work of the Congressional Committee for Illegal Activities, Correa said the committee has an important role in the investigation. He recalled mentioning to the president that it was necessary to regulate the committee's activities. "It is very important, particularly for the judges, that they are able to adjust their activities to individual cases," Correa said.

Asked if the investigations could affect the democratic process, as some people think, Correa emphasized: "I do not think that an investigation into a possible illegal activity could affect the democratic process. On the contrary, it will consolidate the process," Correa concluded.

Peru

Guzman's Transfer to Naval Base Described

PA2909042492 Lima Global de Television Network in Spanish 0100 GMT 29 Sep 92

[Text] Abimael Guzman has been transfered to El Callao Naval Base, where he awaits the trial that will determine his prison sentence. The transfer took place on Sunday, 27 September, and was surrounded by strict security measures. There is no information on his exact whereabouts. The media was surprised by intelligence groups, which waited for the most appropriate moment to carry out his transfer. This was done early on the morning of 27 September, when only a few journalists were on duty.

Approximately 500 military members carried out their mission at 0305. They were either posted at strategic points or protected those in charge of transferring—

blindfolded and handcuffed—the man who was last presented to the media on 24 September in a cage which was set up at the 34th Command facilities. The motorcade left the Counterterrorism Directorate facilities and traveled rapidly down Brazil Avenue, Lamarina Avenue, and Faucett Avenue in an effort to prevent any sudden actions.

The motorcade's excessive speed resulted in a crash between one of the security vehicles and a public transportation bus traveling along Colonial Avenue. The bus driver had no idea the operation was under way, according to a local newspaper's report on 28 September. Three sailors were critically injured in the accident and have been taken to the naval hospital.

Abimael Guzman arrived at the naval base before 0330 under strict security measures. No one knows if he was eventually taken to San Lorenzo Island, as it was speculated. The same thing was done with Maria Pantoja, Elena Iparraguirre, and Laura Zambrano, also known as Comrade Meches, who are also being held in isolation at the naval base. The other prisoners—Carlos Inchaustegui, Maritza Garrido, Zenon Walter Vargas, alias Comrade Arturo—reportedly were transferred to the 8th Airborne Group facilities as part of the same operation.

Residence of APRA Leader Cabanillas Bombed

PA2909132792 Lima Panamericana Television Network in Spanish 1200 GMT 29 Sep 92

[Text] The house of Mercedes Cabanillas, deputy secretary general of the American Popular Revolutionary Alliance, was the target of a bomb attack around midnight on 28 September. Explosive charges were hurled inside her house, causing material damage. The senator of the dissolved congress holds the government responsible for the incident. The subversives hurled sticks of dynamite inside 5907 Javier Prado Avenue, in the San Cesar neighborhood, La Molina. The facade of the building was not damaged, but Cabanillas' two cars were destroyed. An inspection by bomb squad members revealed that the terrorists used four to six kilos of dynamite. Cabanillas said incidents like this one, which caused great alarm among her relatives, will not intimidate her.

[Begin Cabanillas recording] This sort of incident will not intimidate me. They will not change my views or my decision to seek true democracy in Peru—not by using gimmicks or a fraudulent summons to a constituent congress. We are going to regain democracy from the grass roots; namely, the municipal governments. You must not forget my party agreed to wage this struggle with the people to restore municipal governments and regional governments, which are based on the sovereign will of the people. [end recording]

APRA Divided Over Participation in Elections

PA2809211292 Lima Panamericana Television Network in Spanish 0200 GMT 28 Sep 92

[Report by Alejandro Guerrero; passages within quotation marks are recorded]

[Text] At about 2100 on 26 September, the 47th APRA [American Popular Revolutionary Alliance] plenum gathered in the Flag Room at the old APRA headquarters on Alfonso Ugarte Avenue and decided not to participate in the Democratic Constituent Congress [CCD] elections called by the current government.

The decision adopted by a vast majority came as no surprise. Several weeks ago, APRA Secretary General Alan Garcia Perez, from his comfortable exile in Colombia, announced that the party should not participate in the CCD because it would mean legitimizing the Fujimori administration. Heeding Garcia's call, the plenum voted accordingly.

[Guerrero] "What is the worst thing that could happen to APRA for not participating in the elections?

[Mercedes Cabanillas, APRA deputy secretary general] "Listen, nothing will happen to APRA for not participating in the elections. On the contrary, this would be a gesture of generosity and unity with the Peruvian people at a difficult time, which no one can deny the Peruvian people are experiencing. This difficult situation will surely not be resolved by winning a few parliamentary seats or by the CCD's actions to meet the demands of the population."

It will be the first time in its history that APRA will not participate in elections, which is something APRA founder Victor Raul Haya de la Torre always demanded from his movement.

[Hector Vargas Haya] "The party has participated directly or indirectly in all electoral processes. It has taken part in different electoral processes clandestinely. Even when it was being persecuted, APRA always participated in the electoral process. When APRA could not participate directly, we helped other candidates with our votes.

"We must not forget that Haya de la Torre used to say he would never quit. Consequently, the party came into existence to gain power, not to refrain from participating."

Twenty-four hours before the plenary session, Engineer Abel Salinas, president of the APRA National Planning Commission, and other well-known party militants published a letter stating some of the reasons why APRA should participate in the CCD elections. First, it should participate because APRA has never refused to participate in elections. Second, APRA was created to participate in politics. Third, changes can be made only by participating in the CCD. Fourth, Salinas wondered who will represent APRA supporters in congress.

[Salinas] "APRA represents the will of approximately 1.5 million voters. If we do not participate, we will be telling our supporters that they have no alternative other than to vote for some of our political adversaries. By doing that we would actually be helping other political parties."

Meanwhile, Luis Alva Castro, representing a large number of APRA supporters who do not occupy positions in the National Executive Committee, also published a letter asking that the party participate in the CCD.

[Guerrero] "Alan Garcia said in Santa Fe de Bogota that by participating in the CCD elections the APRA would be legitimizing the Fujimori administration. Do you disagree with him?

[Alva Castro] "Yes, I disagree with him because I do not think we are going to legitimize the dictatorship. On the contrary, if we are not present in the CCD, we will help consolidate the dictatorship. Our voice will not be heard. We will be unable to defend Alan Garcia himself because we will not be present in the CCD."

From the provinces, other APRA supporters made statements favoring the party's participation in the CCD elections.

[Pedro Yugar, APRA representative in Arequipa] "I think the insightful APRA members—those of the old guard, those who were not contaminated by power, those who were not corrupted by public posts—support the party's participation in the CCD.

[Julio Garrido Malaver, APRA representative in Trujillo] "In my opinion, all political parties that are running the risk of disappearing must participate in the elections, particularly a party as large as APRA."

After choosing not to participate in the upcoming CCD, Mercedes Cabanillas, APRA deputy secretary general, announced that her party will present written proposals to the CCD.

APRA, together with the Liberty Movement and Popular Action, will not participate in the CCD. Only time will tell if they made the right decision.

Lima To Implement Forced Labor in Treason Cases

PA2809172192 Lima Panamericana Television Network in Spanish 1200 GMT 28 Sep 92

[Text] The government has implemented forced labor for individuals who are tried and convicted of treason to the fatherland, as established in Decree 25-6-59.

In addition, the government issued rules to be applied during police investigations, legal proceedings, and trial as well as while serving sentences for the same crime.

Prosecutor Views Forced Labor for 'Subversives'

PA2909013592 Lima Radio Programas del Peru Network in Spanish 1800 GMT 28 Sep 92

[Text] Daniel Espichan Tumay, special prosecutor for terrorist crimes, praised Decree Law 25774, which granted the national police 15 additional days to conduct investigations on terrorism. Espichan Tumay said the article on forced labor sentences imposed on subversives must be regulated to specify under what conditions it will be carried out.

Economy Minister on U.S. Visit, Social Programs

PA2809174892 Lima Panamericana Television Network in Spanish 1200 GMT 28 Sep 92

[Text] The government will earmark approximately $200 million for social projects. Carlos Bolona Behr, economy and finance minister, made the announcement and expressed his satisfaction with the results of his recent visit to Washington. He was interviewed by Dennis Vargas Marin during the Panorama news program.

[Begin recording] [Bolona] I would not say that Abimael Guzman's arrest was so important. It was important because it showed that Peru is continuing and advancing its struggle against terrorism, but it was not a determining factor. The fact that we could show the IMF that we had complied with the economic plan was the key, a very important key, because if we had not met the established goals, credits would not have been available to us.

The fact that we have complied with IMF guidelines, which have been recognized by multilateral organizations, and that the program will continue for the rest of the year was very important, even for the U.S. Treasury and State Departments. Our determination to hold elections for the Constituent Democratic Congress on 22 November was also an important factor with the U.S. State Department and the U.S. Senate.

[Vargas] We understand that an IMF mission will arrive in our country next week. What is the purpose of that mission? Does it have anything to do with the talks held in Washington? Is this a step leading to the disbursement of credits?

[Bolona] A mission from the Inter-American Development Bank, IDB, will be arriving prior to the IMF representatives.

[Vargas] When will the IDB mission arrive?

[Bolona] Probably next week. They will be reviewing and confirming compliance with the technical aspects. We believe more than $100 to $150 million will be disbursed by the end of October. The important thing is how the funds will be used. People have a right to know about that.

[Vargas] Yes, people want to know where the money will go. Can you tell us?

[Bolona] We must realize that those funds are not only for restructuring the financial system—which we have been doing—but also for social emergency programs. This is part of the plan. We have more than $100 million available for social emergency programs, which will include potable water, sewers, and other infrastructure facilities, as well as roads in poor neighborhoods. The plan will include health centers, schools, and all the necessary support for the lowest income communities. That is how we will fight terrorism in the economic field, an aspect we must work on.

[Vargas] The social emergency aspect is the weak spot, or what is seen as the main flaw in the program, which has received a lot of criticism. How much will be assigned for social emergency programs? About $150 million in all?

[Bolona] That is the total amount. I want to mention that there has been an important change in the social emergency plan. We had been spending $6 million a month from January to June. Since August, we have been spending $45 to $50 million a month on the milk program, soup kitchens, creating new jobs, and on assistance for low-income settlements. We want to maintain those programs, which require $45 to $50 million a month. [end recording]

Venezuela

Minister Ochoa Accused of Heading Coup Attempt

PA2809192192 Madrid EFE in Spanish 1817 GMT 28 Sep 92

[Text] Caracas, 28 Sep (EFE)—Venezuelan Foreign Minister Fernando Ochoa Antich has been accused of leading the 4 February foiled military coup. The accusation was made by General Herminio Fuenmayor, former head of the Directorate of Military Intelligence (DIM), during an interview that was published in the 28 September edition of EL UNIVERSAL.

Fuenmayor, head of DIM until July 1991, said Gen. Ochoa Antich, defense minister until June, was the leader of the attempted coup that almost ended 34 years of democracy in Venezuela. Fuenmayor said Ochoa Antich went to the airport to detain President Carlos Andres Perez, who had arrived from Davos, Switzerland on that day. Ochoa, however, "chickened out [raja] and only told Perez that an uprising was taking place."

The former head of DIM is considered by the local press to be one of the people closest to President Perez. Gen. Fuenmayor retired after he was linked to a drug case that has yet to be cleared up by authorities.

Fuenmayor added that President Perez kept Ochoa Antich as defense minister and later as foreign minister because "at times it is necessary to keep a person close to you to control him better."

The former head of DIM said President Perez has been told that the Armed Forces is divided into several groups: one group obeys Ochoa Antich, another follows the orders of the current high command, and yet another supports Lieutenant Colonel Hugo Chavez, head of the 200 Revolutionary Bolivarian Movement that carried out the attempted coup.

Meanwhile, Foreign Minister Ochoa Antich, who is currently in the United States, spoke on the telephone with another local newspaper to deny his alleged participation in the foiled coup.

AD Rejects Ochoa Involvement

PA2909043492 Caracas Venezolana de Television Network in Spanish 0000 GMT 29 Sep 92

[Text] Luis Emilio Rondon, assistant secretary general of the Democratic Action [AD] Party, has said that his party is not afraid of groups of misfits who do not understood that violence is not the way to solve the country's problems.

In this regard, the AD leader said that in spite of the attacks against two of the most important AD members, Antonio Rios and Jaime Lusinchi, the traditional fair will be held on 4 October. On this occasion the fair will serve to launch Claudio Fermin's candidacy.

Luis Emilio Rondon believes that the increase in attacks is one of the most fatal events that can take place in a society, damaging the image of a civilized and democratic country that we have set off to attain among the international community.

[Begin Rondon] As a consequence, those attacks, instead of frightening us, cause dissatisfaction as we see there are still groups of misfits who do not understand that democracy includes all the paths for dissidence, or for convenient planning in accordance with the necessary corrections. [end recording]

Rondon also used the improvised news conference to reject the statements meant to involve Foreign Minister Ochoa Antich with the 4 February coupists. He said Ochoa Antich was a key figure in blocking the movement.

Regarding the protest by the Social Christian Party, COPEI, of the institutional campaign started by Carmelo Lauria, Rondon said it was a campaign by Lauria and not by AD, but added that AD does support his call on the community to vote.

Perez Accusations Against Media Rejected

PA2609232592 Paris AFP in Spanish 1741 GMT 25 Sep 92

[Text] Caracas, 25 Sep (AFP)—The editors of the main Venezuelan newspapers on 24 September rejected accusations by President Carlos Andres Perez that some media are harming the democratic system.

The primary local media have stated in statements and editorials: "These [accusations] are unacceptable for those who believe in freedom of information," "they are turning into systematic accusations by the government," "the blame cannot be put on the media for the overall crisis in Venezuela."

In the wake of the 23 September attack on Antonio Rios—progovernment labor leader, tried for corruption and out on parole—Perez accused some the media of becoming "political clans that denigrate the president, the congress, the courts, the parties, the labor unions, and the leaders in an attempt to stir up public contempt."

Moreover, Perez warned that he will repress firmly and relentlessly subordinate those involved in subversion and terrorism in Venezuela "no matter what."

The attack against Rios—shot by the unknown so-called "Bolivarian Liberation Forces"—is the first of a series of "dignity operations" organized to "settle accounts," with alleged corrupt individuals and their accomplices. This was manifested by the organization, turning it into a new, disturbing element in the critical Venezuelan scenario since the attempted military coup in February.

Faced with statements by Perez that the media "sets the stage for personal attacks and controls the arms of the murderers," Independent Deputy Miguel Henrique Otero, editor of the prestigious newspaper EL NACIONAL, categorically responded that if terrorism appears in the nation it is not the media's fault.

The editor claims that attacks on the media are becoming a systematic practice in the country, indicating that the nation's crisis is not the media's fault because the media limits itself to commenting on it.

On 25 September, Otero will travel to the annual Inter-American Press Association meeting, where he will set out the reiterated attacks against the Venezuelan media.

EL NACIONAL, together with DIARIO DE CARACAS and NUEVO PAIS, was one of the newspapers raided by the Venezulan political police in the days following the attempted military coup. Since then, EL NACIONAL has been accusing the government of orchestrating a campaign detrimental to the freedom of expression.

DIARIO DE CARACAS in an editorial rejected the government accusations, labeling them as "unacceptable statements by those who believe in the freedom of information as one of the fundamental rights of the democratic system."

The editorial noted: "There is just one step between this accusation and other abuses, that go from intimidation that spark the inhibition of those who have the right to report, up to censorship."

The Transportation and Communications Ministry on 24 September suspended indefinitely the radio programs "The News on Trial" and "The Sound of the Truth," arguing that they attempt to disrupt order. Meanwhile, the National Association of Journalists (CNP) charged that there are threats to suspend other newscasts.

For the CNP, these actions demonstrate "that the government is behaving more uncompromisingly than that of President Fujimori's. While Fujimori's government allowed Shining Path leader Abimael Guzman to give a news conference, here, the programs are closed down for allowing public opinion to be expressed."

National Guard Patrolling Downtown Caracas

PA2909044092 Caracas Venezolana de Television Network in Spanish 0000 GMT 29 Sep 92

[Text] On 28 September National Guard troops appeared in downtown Caracas, not as a response to the violence in the city but as part of a new prevention program.

General Jesus Rafael Caballero, chief of Regional Command No. 5, reported on the program.

Within the framework of the Urban Security Plan devised by the national and regional governments, the National Guard started a preventive surveillance operation against criminals in downtown Caracas. The program is the same as the one in effect in other parts of the city.

Referring to the possible connection between this operation and the recent violent acts against high-ranking political leaders, Gen. Jesus Rafael Caballero, chief of Regional Command No. 5, said that there is no connection.

[Begin Caballero recording] This is a routine plan which all the Venezuelan people know about, and particularly the metropolitan population. As I said, the National Guard and the security corps have been on the streets for some time participating in the struggle against crime, and downtown Caracas is no exception. We really believe that this presence is preventive. No one knows how many crimes we have prevented today. [end recording]

Gen. Jesus Rafael Caballero said prevention is the best weapon against crime.